



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

146 ANTICIPATORY BAIL APPLICATION NO. 1781 OF 2024

GAURAV KISHOR GUGALE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. A.P. Lohade h/f. Mr. S.G. Ladda
APP for Respondent/State : Mr. A.A.A. Khan

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CORAM : ARUN R. PEDNEKER, J.
Dated : December 02, 2024

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with Crime No. 121/2022 dated 17.2.2022 registered at Kotwali Police Station, District Ahmednagar for the offences punishable under sections 409, 420, 467, 468, 471 r/w. 34 of I.P.C. and under sections 3, 4 and 5 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.
3. The applicant is Technical Director of Ahmednagar Urban Multi-State Co-operative Bank Ltd., There are allegations against the Directors of the bank for having misappropriation of the funds of the bank and the present applicant was Technical Director of the Bank from 30.10.2018 to 31.07.2019. The name of the applicant is not mentioned in the F.I.R. However, in the perusal of the account extract of the applicant shown the transaction of Rs.50,000/- dated 6.8.2019, which is credited in the account of the applicant by the private party S.N. Enterprises. Same is at page 91 of the application, relevant portion is as under :-

Date	Particulars	Chq. No.	Value Date	Debit	Credit	Balance
	-	-	-	-	-	-
06/08/2019	By-Transfer S N ENTERPRISES Transaction taken from 1020 (Trn from 1020 Br.)		06/08/2019		50000.00	

4. The learned counsel for the applicant submits that the applicant is the chartered accountant and the audit is made by S.N.Enterprises and the amount is paid by S.N. enterprises and the said amount is transferred by S.N. Enterprises in the account of the applicant.

5. This Court vide order dated 22.11.2024 in Bail Application No. 1559/2024 has granted bail to the co-accused, who is Technical Director of the above Bank. Considering the above explanation given by the learned advocate for the applicant and the regular bail granted to the co-accused in Bail Application No. 1959/2024, I deem it appropriate that the custodial interrogation of the applicant is not necessary. As such, interim protection granted to the applicant on 25.10.2024 needs to be confirmed.

6. In view of the above, the application is allowed and the interim protection granted to the applicant vide order dated 25.10.2024 is confirmed on following terms :

i] The applicant shall attend the concerned police station as and when called.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

7. In the event, the applicant violates any of the conditions specified in

this order, it shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

ssc/