



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1785 OF 2023

DASHRATH BHAGWANT CHASKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. S.S. Thombre, Advocate for Applicant

Mr. S.B. Jadhav, APP for Respondents – State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 19th JANUARY, 2024

PER COURT :

1. Applicant apprehends arrest in Crime No.0904/2023, registered with Shirdi Police Station, Ahmednagar, for offence punishable under Sections 408, 465, 420 and 471 of the Indian Penal Code.

2. A complaint was received by Sansthan that one employee is committing systematic fraud with Sansthan since last four to five years and is committing misappropriation of Rs.4 lakhs to Rs.5 lakhs per month. The manner in which misappropriation is committed is also stated in the complaint. The employee used to give two receipts of one amount and only one receipt is mentioned in the account of Sansthan. Entry of another receipt is not found anywhere. Photocopy of four receipts bearing Nos.426919, 42691, 26470, 264 were annexed to the said complaint. On receipt of said complaint, Chief Executive Officer of the Sansthan directed inquiry,

which was conducted by In-charge Account Officer Mr. Lanke. In inquiry it was found that there was misappropriation of donation amount. Pre-printed computer stationary of Sr. Nos.1140001 and 1140023 were in the custody of applicant, on which prints were taken out. Applicant has, however, denied about the same. Applicant was transferred to *Prasadalay* department from 21/09/2023, he did not join there. In the inquiry applicant is *prima facie* found guilty of commission of offence of misappropriation. Applicant's name appears on the forged receipts and donation amount is found short with applicant.

3. FIR making above allegations is lodged by Kailas Sonaji Kharade, In-charge Account Officer, Account Department of Shri Saibaba Sansthan, Shirdi and Shri Saibaba Sansthan Housing Society, Shirdi. It is further alleged that applicant is a skilled employee appointed on contract basis and is working in account department. He was custodian of pre-printed stationary of computer at Sr. Nos.1140001 and 1140023. Applicant made false donation receipt No.42691 dated 31/10/2022 and receipt No.264 dated 13/04/2023. Entries of said receipts were not found in the record. Applicant forged said donation receipts and used the same as genuine and thereby deceived the Sansthan and donor devotees and misappropriated donation amount.

4. Heard learned advocate for applicant and learned

Additional Public Prosecutor for State. Perused the investigation papers.

5. Learned advocate for applicant states that applicant is innocent and he has not committed any offence. Applicant was protected since 26th October, 2023 and he has co-operated in the investigation. Nothing is to be recovered from applicant and therefore, protection granted to applicant may be confirmed.

6. Learned Additional Public Prosecutor, on the other hand, strenuously opposed the application. He submits that custody of applicant is necessary for investigation purpose.

7. In the investigation it is revealed that applicant has scored out last two digits of receipt numbers. During 31/10/2022 to 13/03/2023 applicant has given bogus receipts. Investigating officer has reported that after granting interim protection applicant has not attended police station and has not co-operated in the investigation. Investigating officer tried to contact on two cell phone numbers of applicant, both cell phone numbers were switched off.

8. Considering the serious allegations of misappropriation of donation amount of Sansthan and since applicant's involvement in the offence is *prima facie* made out, applicant's custody is necessary for effective investigation. Applicant is, therefore, not entitled for discretionary relief of anticipatory bail. Application is, therefore, rejected.

9. At this stage, learned advocate for applicant seeks continuation of interim protection granted to applicant. Interim protection granted to applicant to continue for a period of two weeks from the date of uploading of this order.

(NITIN B. SURYAWANSHI, J.)