



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1882 OF 2023

Santosh Harchand @ Harichand Kuvar ...Applicant

VERSUS

The State Of Maharashtra ... Respondent

.....
Mr. R.V. Gore, Advocate for Applicant
Mr. N.B. Patil, APP for Respondents – State
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th MARCH, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No. 164 of 2023 registered with Bodwad Police Station, District Jalgaon for the offences punishable under sections 408, 409, 217 read with section 34 of the Indian Penal Code.

2. Auditor Pramod Chavan lodged FIR stating that he had conducted audit of Kurha Hardo Vividh Karyakari Society for the year 2020-2021 under the orders of Commissioner, Co-operative Societies and Assistant Registrar, Co-operative Societies (Maharashtra) Pune. He conducted the said audit between 01.04.2020 and 31.03.2021. In the audit of the period 01.04.2020 to 31.03.2021, it was revealed that ex-secretary of the said society namely Santosh Harchand Kuvar (applicant) has committed misappropriation of

Rs.1,99,841/- by showing expenditure contrary to the rules. Though applicant has deposited Rs.4,57,500/-, still it appears that he has misappropriated an amount of Rs.1,99,841/-. In the said transactions, there is no clarity in the enquiry conducted by the Bank. Hence, it is necessary to conduct detail audit of the earlier period. Applicant has taken excess honorarium and secretary deposit amount, therefore, he had intention to deceive the society. Therefore, he misappropriated the said amount.

3. Heard learned advocate for applicant and learned APP for respondent – State. Perused the investigation papers.

4. It is the case of applicant that he has produced the bills of expenditure of Rs.1,99,841/- of the relevant period, the amount which was allegedly misappropriated by him. He submits that the said bills were found in the Bank itself and those are seized by Investigating Officer.

5. Learned APP confirms this position.

6. Considering the age of applicant and the fact that he is superannuated and the investigation pertains to documents, which are already either in the custody of Investigating Officer or with the Bank, pre-trial custodial detention of applicant is not necessary as nothing is to be recovered from him.

7. Application is therefore allowed by confirming interim protection granted to applicant on 08.11.2023.

[NITIN B. SURYAWANSHI]
JUDGE