



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2067 OF 2023

Prakash Vasantao Kulkarni And Another

VERSUS

The State Of Maharashtra And Another

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Mr. V. P. Latange, Advocate for Applicants

Mrs. K. R. Jamdhade, APP for Respondents/State

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CORAM : R.M. JOSHI, J

DATE : JULY 11, 2024

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 505 of 2021 registered with Karjat Police Station, Dist. Ahmednagar for the offences punishable under Sections 420, 406, 408, 409, 467, 468, 471 read with Section 34 of the Indian Penal Code and Sections 3 & 4 of the M.P.I.D. Act.

2. First information report came to be lodged at the instance of Chairman of the Sina Parisar Nagari Sahakari Patsanstha, Mirajgaon Tq. Karjat. It is alleged in the FIR that the gold kept by the investors/members with the Society was found missing and in the same Manager Iqbal Shaikh, Indrakumar Dhongade and Dattatraya Suta are responsible for the

same. During the course of investigation, it was revealed that some misappropriation is done in respect of pigmy scheme. Hence, present Applicants apprehend arrest.

3. Learned Counsel for the Applicants submit that Applicants have no concern with the alleged missing of gold. He drew attention of the Court to the report placed on record which indicates that liability was fixed towards the alleged misappropriation by the present Applicants and that they have deposited the amount towards the said liability. This fact has not been disputed by prosecution. It is his further submission that once the alleged misappropriated amount is recovered, their custodial interrogation is not necessary. Attention of the Court is drawn to the notice issued to the Applicants under Section 164 of CrPC and the Applicants have cooperated with the investigating agency. He also drew attention of the Court to order dated 01.03.2023 passed by this Court in Anticipatory Bail Application No. 1473/2022 whereby Chairman and another person were granted anticipatory bail.

4. Learned APP opposed the application by contending that there is *prima facie* evidence on record to indicate involvement of the Applicants in this crime. In order to substantiate the said contention, reference is made to the auditors statements recorded during the course of investigation.

5. Perusal of the FIR shows that the allegations therein pertain to the missing gold deposited with the Society. There is no allegation against present Applicants in respect of said misappropriation. However, during the course of investigation prosecution claims to have found present Applicants who are pigmy agent being involved in the misappropriation in respect of said scheme. In the inquiry conducted under the provisions of Cooperative Societies Act liability was fixed on them. Admittedly, amount so fixed has already been deposited by the Applicants with the society. As such, nothing is to be recovered at their instance. Applicants were protected by grant of interim relief on 18.12.2023. There is nothing to indicate that the Applicants did not cooperate with the investigation.

Considering the facts and circumstances of the case and evidence collected, this Court finds that custodial interrogation of the Applicants is not necessary.

6. Hence, this is a fit case to confirm interim relief. Application stands allowed by confirming interim order dated 18.12.2023.

(R. M. JOSHI, J.)

Malani