



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 3623 OF 2023

Indrajit Nivasrao Yadav

...Applicant

Versus

The State Of Maharashtra

...Respondent

**WITH
INTERIM APPLICATION NO. 544 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 3623 OF 2023**

Shankarrao Mohite-Patil Charitable
Hospital Trust & Anr.

...Applicants

Versus

The State Of Maharashtra

...Respondent

Mr Harshvardhan Suryavanshi, a/w Mr. Prathamesh Deshpande,
i/b. Mr. Vaibhav Kulkarni, Advocate for the Applicant.

Mr. Abhijit Kulkarni, Advocate for Intervenor through V.C.

Mrs. Mahalaxmi Ganapathy, APP for the Respondent – State.

H.C. Shri P.A. Salgar, Akluj Police Station, Present.

**CORAM : N. J. JAMADAR, J.
DATE : 3rd JULY 2024.**

PC.:

1. Heard learned counsel for the Applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with

C.R.No.733 of 2023 registered with Akluj Police Station for an offence punishable under Section 408 of the Indian Penal Code, 1860.

3. On 22nd December 2023, this Court had granted interim bail observing, *inter alia*, as under:-

- “4) AICTE had transferred a grant of Rs.11,84,107/- to the said college for the setting up of a laboratory. The allegations against the applicant are that the applicant received the said amount on his personal account, did not utilise the amount for the purpose for which the grant was provided and misappropriated the said amount.
- 5) The learned Counsel for the applicant submitted that the applicant was required to receive the said amount in his personal account as the college, which was then newly opened, did not have a savings bank account in the name of the Principal of the college. Out of the said amount, a sum of Rs.6,00,000/- was expended for the purpose of purchasing computers and setting up the lab. The balance amount of Rs.5,84,107/- was transferred to the account of AICTE as the applicant resigned from the said position.
- 6) The learned APP seeks time to take instructions as regards the utilisation of the amount of Rs.6,00,000/- by the applicant.
- 7) The applicant has annexed documents, which prima facie reveal that the applicant has returned the amount of Rs.5,84,107/-. In the circumstances, having regard to the situation in the life of the applicant and the punishment the offence under Section 408 entails, I am inclined to grant interim protection.”

4. This Court had directed the Investigating Officer to ascertain the veracity of the claim of the Applicant that the amount received by the Applicant was utilised to purchase the equipment and machinery for the College and a part of the amount was returned to AICTE.

5. The learned APP, on instructions, submits that an amount of Rs.5,00,000/- was returned to AICTE and a sum of Rs.4,96,000/- was expended to purchase the equipment for the College. The aforesaid amounts are in the range of the amount which the Applicant claimed to have expended to purchase the equipment and machinery for the College and returned to AICTE.

6. The learned counsel appearing for the first informant submitted that the aforesaid acts do not absolve the Applicant from the offence. On the contrary, these acts establish that the Applicant had misappropriated the amount. Undoubtedly, misappropriation for a time only is an offence. However, in the totality of the circumstances and having regard to the amount which has been duly accounted for and the fact the offence under Section 408 of the Penal Code entails punishment which may extend to 7 years, custodial interrogation of the Applicant does not seem warranted to facilitate further investigation. I am, therefore, inclined to make order of interim bail absolute on the terms and conditions

incorporated therein.

Hence, the following order:-

ORDER

- (i) The order of interim bail dated 22nd December 2023 is made absolute on the terms and conditions incorporated therein.
- (ii) In addition, the Applicant shall appear before the Investigating Officer as and when directed.
- (iii) Applicant shall regularly attend the proceedings before the jurisdictional Court.
- (iv) Application disposed.

(N. J. JAMADAR, J.)