

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

ANTICIPATORY BAIL APPLICATION NO.1409 OF 2024

Pawan Rajesh Mehattar

.....Applicant

Versus

State of Maharashtra

.... Respondent

Mr. Aadesh Konde Deshmukh, Advocate for the Applicant.

Mr. Vinit A. Kulkarni, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th AUGUST, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.44/2019 registered with Sawantwadi Police Station, District-Sindhudurg on 8.3.2019 under Sections 406, 420, 465, 467, 468, 471 read with 34 of IPC.

2. Heard Mr. Aadesh Konde Deshmukh, learned counsel for the Applicant and Mr. Vinit Kulkarni, learned APP for the Respondent-State.

3. The FIR is lodged by the District Special Auditor, Sindhudurg in respect of Kalikamandir Magaswargiya Auodogic Sahakari Sanstha Maryadit, Kolgaon, Sawantwadi. The Applicant was the Secretary of the society. The allegations are that the Government

has sanctioned financial debt of Rs.1 Crore to the said society but that amount was misappropriated. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant invited my attention to the order dated 22.4.2024 passed in ABA No.1031/2024, in which the Chairman of the Society was granted ad-interim protection. At that time it was argued on his behalf that the Assistant Engineer, PWD Sub-Division, Kudal-I had given valuation report of the actual construction made by the society and he had submitted a report that the value of the completed construction was Rs.1,00,01,346/-. It was argued that the construction was completed but the project could not proceed further because of registration of the FIR. Learned counsel for the Applicant submitted that the same arguments apply for the case of the Applicant. The money was not utilized by the Applicant for his own benefit. He has not committed any offence.

5. Today, learned APP is seeking time as the I.O. is not present.

6. Considering that the allegations against the Applicant in A.B.A.No.1031/2024 and against the present Applicant are similar, the Applicant can be protected by way of ad-interim order till the next date. I am informed by learned counsel for the Applicant that said A.B.A. No. 1031/2024 is slated to be listed on 22.8.2024. Therefore, this

Application can also be placed on the same date and both the matters can be tagged.

7. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with C.R.No.44/2019 registered with Sawantwadi Police Station, District-Sindhudurg, till the next date, the Applicant be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) This order shall operate till 22.8.2024.
- (iii) The Applicant shall attend the concerned Police Station on 14th and 16th August, 2024 between 1:00 p.m. to 5:00 p.m. and thereafter as and when called. He shall cooperate with the investigation.
- (iv) This matter be tagged with A.BA.No.1031/2024.
- (v) Stand over to 22.8.2024.

(SARANG V. KOTWAL, J.)

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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