



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.890 OF 2024
(Rudeo s/o Narayan Dhote Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. T.J. Patil, Advocate for the applicant.
Ms S. Haider, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 22, 2024.

By this application, the applicant is seeking bail as he came to be arrested on 29/07/2024 in connection with Crime No.346/2024 registered with Police Station Hudkeshwar, Nagpur for the offence punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code and Section 81(5)(B) of the Maharashtra Co-operative Societies Act, 1960.

2. The crime is registered on the basis of report lodged by H.P. Fating who was working as Auditor Grade-I, Co-operative Society, Balutedar, Nagpur. As per the directions of the Deputy Registrar, Co-operative Society, Nagpur she carried out the re-auditing of Shambhavi Mahila Nagri Sahakari Pat Sanstha Maryadit and notice misappropriation and defalcation of amount to the tune of Rs.99,39,269/-. At the relevant time, the applicant was the Chairman of the said Patsanstha. His wife was working as the Director of the said Patsanstha. It

is alleged that the applicant who was the Chairman of the said Patsanstha have accepted the money from people in savings account and despite the recurring deposit and fixed deposits have been matured, the amount was not repaid to the depositors and the huge amount of the depositors have been misappropriated. On the basis of the said report, police have registered the crime against the present applicant and the other co-accused.

3. Learned Counsel for the applicant submitted that as far as the role of the present applicant is concerned only because he is the Chairman of the said Patsanstha he was arraigned as an accused. In fact, he is the victim of the said misappropriation as he has also lost the amount. As far as the investigation part is concerned which is now completed, charge-sheet is filed, further incarceration of the applicant is not required.

4. Learned Additional public prosecutor strongly opposed the application and submitted that considering the fact that the depositors have lost their money in the said misappropriation and the present applicant was the Chairman of that patsanstha, therefore, the responsibility upon the present applicant to supervise the transactions which are carried out by the employee of the said patsanstha. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the investigation is already completed and charge-sheet is filed. As far as the involvement of the present applicant is concerned which reveals from the investigation papers but considering now further incarceration of the applicant is not required as the investigation is already completed and charge-sheet is filed. The applicant is not at a flight risk also. Hence, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Rudeo s/o Narayan Dhote in connection with Crime No.346/2024 registered with Police Station Hudkeshwar, Nagpur for the offence punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code and Section 81(5)(B) of the Maharashtra Co-operative Societies Act, 1960, be released on bail on executing P.R. bond in the sum of Rs.25,000/- with one surety in the like amount.

(iii) The applicant shall not induce, threat or promise any witnesses in any manner who are acquainted with the facts of the case either personally or by way of electronic media.

(iv) The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

(v) The contravention of any of the condition would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*