



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

940 ANTICIPATORY BAIL APPLICATION NO. 1385 OF 2024

1. Babu Cheruvathoor S/o Mathew Cheruvathoor,
2. C. M. Philiphose s/o CM Mathew

VERSUS

The State Of Maharashtra

...
Advocate for Applicant : Mr. Menchirel Suresh Nanappa and
Ms.Shivani Jaiswal
APP for Respondents-State: Mr. S. K. Shirse
Advocate for Assist to APP : Mr. S. N. Dudhate
...

CORAM : ARUN R. PEDNEKER, J.

Dated : January 23, 2025.

PER COURT :-

1. Heard learned counsel for the applicants, the learned APP for the respondent-State, and the learned Counsel for Assist to APP.
2. The applicants are apprehending arrest in connection with FIR No.0357/2024, dated 16/07/2024, registered at Chawani (Cantonment) Police Station, District Aurangabad, for the offences punishable under sections 420, 406 read with 34 of the Indian Penal Code.
3. This Court, by order dated 14/08/2024, granted interim protection to the applicants. It is the case of the prosecution that the applicants were the Trustee and Treasurer of the Trust of St. Mary's Orthodox Syrian Church at Padegaon, Chhatrapati Sambhaji Nagar, for the period from 2019 to 2023. The applicants are alleged to have misappropriated an amount of Rs. 1,63,421/-. A complaint has been filed by the Managing

Committee currently in control of the trust for the year 2024-2025.

4. However, the learned Counsel for the applicants submits that there is a dispute between the applicants, who are the former Trustees, and the subsequent Trustees. It is contended that the FIR has been registered against the applicants as a counterblast and to defame the earlier Trustees. Therefore, it cannot be said that the applicants have misappropriated the funds.

5. The learned Counsel further submits that, to demonstrate *bona fides*, the applicants have deposited the said amount. The learned APP and the learned Counsel assisting the APP have not disputed the fact of the deposit made by the applicants. Considering the facts as above, the interim protection granted by order dated 14/08/2024 stands confirmed.

6. In view of the above, the application is allowed in the following terms : -

i] In the event the applicants are arrested in connection with FIR No.0357/2024, dated 16/07/2024, registered at Chawani (Cantonment) Police Station, District Aurangabad, for the offences punishable under sections 420, 406 read with 34 of the Indian Penal Code, they shall be released on bail on furnishing PR

bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicants shall attend the police station as and when called by the police.

iii] The applicants shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

7. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.