2025:BHC-AUG:303

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 ANTICIPATORY BAIL APPLICATION NO. 1689 OF 2024

NIKITA DEVIDAS GHODKE
VERSUS
THE STATE OF MAHARASHTRA
…..
Mr. S. G. Kawade, Advocate for Applicant
Mr. B. A. Shinde, APP for the respondent/State

AND

ANTICIPATORY BAIL APPLICATION NO. 1690 OF 2024

MANISHA GAJANAN PATALE
VERSUS
THE STATE OF MAHARASHTRA
…..
Mr. S. G. Kawade, Advocate for Applicant
Mr. B. A. Shinde, APP for the respondent/State

AND

ANTICIPATORY BAIL APPLICATION NO. 1691 OF 2024

YOGITA SHIVAJI THOMBARE
VERSUS
THE STATE OF MAHARASHTRA
…..
Mr. S. G. Kawade, Advocate for Applicant
Mr. B. A. Shinde, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 6th JANUARY, 2025

PER COURT :-

1. At the outset learned counsel for the applicant, on instructions, seeks leave to withdraw the Anticipatory Bail Application No.

1691 of 2024 as this Court has shown its disinclination to grant relief.

2. Anticipatory Bail Application No. 1691 of 2024 is dismissed as withdrawn.

3. Applicants in Anticipatory Bail Application Nos. 1689 of 2024 and 1690 of 2024 apprehend arrest in connection with Crime No. 274/2024, registered with Badnapur Police Station, District Jalna for the offences punishable under Sections 406, 408, 409, 418, 420, 467, 468 r/w 34 of the Indian Penal Code (for short 'IPC').

4. The first informant is the auditor under the Co-operative Societies Act. From the audit conducted of Marathwada Nagri Sahakari Patsanstha Mary. Badnapur, District Jalna it was revealed that misappropriation has been committed by the Chairman of the Society in collusion with co-accused. There are allegations against the Chairman, present applicants and co-accused of misappropriating the funds of the society. The allegation against the applicant Nikita is that in her name co-accused Shivaji Thombre has withdrawn a sum of Rs.10,000/- on 21/09/2022, though she was not employee of the Society. It is alleged against the applicant-Manisha who is working as an accountant in collusion with co-accused Shivaji Thombre withdrew of Rs. 5,92,025/- and thereby misappropriated the same.

5. Learned counsel for the applicants submits that there is absolutely no evidence to indicate that applicant Nikita has received any money. According to him, the allegation even if it is accepted on the face of it only shows that the co-accused who is the Chairman of Society has withdrawn the said amount in the name of this applicant. In so far as application of Manisha, it is submitted that she was working as an accountant and that no fault can be found if the amount of Rs. 5,92,025/- was allowed to be withdrawn by Chairman who was also Manager of the Society for its deposit with DCC Bank, Jalna. It is his submission that this applicant cannot be held responsible for non deposit of the said amount by the co-accused in the bank. He drew attention of the Court to the receipt dated 22/04/2024 which indicates that in fact co-accused has deposited the said amount in the bank.

6. Learned APP opposed the application by contending that the allegation in the first information report are specific against the applicants that in collusion with the co-accused, misappropriation of funds has been done. It is submitted that the amount of Rs. 5,92,025/- was withdrawn on 02/04/2022, however, the same was allegedly deposited after two years i.e. in the year 2024.

7. As far as the allegations against the applicant are concerned, the first information report itself shows that the co-accused Shivaji had

withdrawn a sum of Rs.10,000/- in cash in the name of this applicant. *Prima facie* there is absolutely no evidence to indicate that she received any amount. She has no criminal history and not likely to abscond. As such her liberty deserves to be protected.

8. Applicant Manisha working as accountant in the Society. The voucher is prepared on 02/04/2022 for amount of Rs. 5,92,025/- which was received by the Chairman who is also Manager of the Society. The voucher itself shows that the said amount was withdrawn for its deposit in the DCC Bank. Having regard to the said allegation, it can be said that the this applicant is no way responsible for non deposit of the said amount in DCC Bank. There is nothing on record to show that in fact it was her responsibility to do so. Applicant is lady. She has no criminal antecedents and would be available for trial.

9. Liberty of the applicant Nikita was protected by interim order dated 07/10/2024. There is nothing to indicate that she misused the said liberty. Hence, her application is allowed in terms of interim order dated 07/10/2024.

10. Application of Manisha in Anticipatory Bail Application No. 1690/2024 stands allowed in following terms.

ORDER

(i) In the event of arrest of the Applicant Manisha in Anticipatory Bail Application No. 1690/2024 in connection with Crime No. 274/2024, registered with Badnapur Police Station, District Jalna for the offences punishable under Sections 406, 408, 409, 418, 420, 467, 468 r/w 34 of the Indian Penal Code, she shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.

(ii) She shall attend the concerned police station as and when called by Investigating Officer with written notice.

(iii) She shall not contact the witnesses directly or indirectly.

(iv) She shall not interfere with the evidence in any manner whatsoever.

(v) She is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

ssp