IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3573 OF 2024

Shekhar Nagappa Kolar … Applicant
vs.
The State of Maharashtra … Respondent

Advocate P. S. Shinde for applicant.
Mr. Ajay S. Patil, APP for respondent-State.

CORAM : MANISH PITALE, J.
DATE : 13th JANUARY, 2025

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0260 of 2024 dated 14.09.2024 registered at Bund Garden Police Station, District Pune City for offences under Sections 406, 409 and 420 read with Section 34 of the Indian Penal Code (IPC).

3. The aforesaid FIR was lodged on the basis that substantial amounts concerning Sasoon Hospital, Pune were misappropriated by the accused persons and such amounts were illegally and unauthorizedly transferred to various bank accounts till such conduct came to light.

4. At the outset, the learned APP highlighted the fact that this Court dismissed Anticipatory Bail Application No.3145 of 2024 by order dated 27.11.2024 passed in the case of Umesh Shankar Jadhav vs. The State of Maharashtra, specifically taking note of the fact that an amount of ₹ 3 lakhs was transferred into the bank account of the applicant therein. It was submitted that in this case also, a huge part of the misappropriated amount found its way to the account of the applicant and therefore, this Court may not show any indulgence.

5. It is further brought to the notice of this Court that

applications of two other accused persons were dismissed as withdrawn on 26.11.2024, when this Court was not inclined to grant relief to the said co-accused persons.

6. The learned counsel for the applicant submits that the explanation of the applicant is that he permitted the said amount to be transferred into his account in good faith, as the person who transferred the said amount, was an acquaintance/friend of the applicant. It was highlighted that the amount was transferred further on the very same day. Therefore, the applicant cannot be said to be a beneficiary of the said amount.

7. It is to be noted that in the present case, an enquiry had to be initiated in the aforesaid scam and it was found that huge amount of administrative expense of the said hospital, was misappropriated by the accused persons. Investigation has revealed that a substantial amount of ₹ 11,86,969/- was transferred into the bank account of the applicant out of the total misappropriated amount of ₹ 4,18,62,942/-. It is to be noted that the applicant is not concerned with the said hospital and it is also a matter of relevance that the aforesaid amount of ₹ 11,86,969/- was transferred from the account of the applicant to that of the co-accused Sachin Sasar.

8. The explanation sought to be given by the applicant cannot be accepted at this stage, while considering anticipatory bail application. It is evident from the aforesaid material that a substantial part of the misappropriated amount found its way into the bank account of the applicant and such material indicates *prima facie* case against the applicant as regards the aforesaid offences. No case is made out for granting anticipatory bail.

9. The application is dismissed.

MANISH PITALE, J)

Priya Kambli