Order below Exh.1 in Cri.M.A.(Bail) Application No.01/2018.

1) Read application filed by applicant - Vinayak Sampat at Ex.1 and then, seen the documents produced by him below list Ex.3 as well that below list Ex.12. Read the say of opponent to this application at Ex.13. Heard both the sides. Seen the papers of investigation and also the audit report.

2) This application is so made by applicant - Vinayak Sampat (accused No.3) under Section 438 of Cr.P.C. 1973, to release him on an anticipatory bail, in connection with an offence C.R. No.171/2017 registered against him and two others at Chandwad Police Station, for all such offences punishable under Sections 409 and 420 r/w. 34 of IPC. He has been already granted an interim anticipatory bail by this Court, on 01.01.2018 and application is now heard for confirming that bail or otherwise.

3) The charge against him and his associates is that, in the period between 01.04.2013 till 31.03.2016, this applicant was working as an Assistant Clerk in Ganur Multi Purpose Co-op. Society of village Ganur, Tal. Chandwad and then, its audit was made for such aforesaid period and this applicant in collusion with the Secretary and Chairman of that Society, misappropriated an amount of Rs.39,15,501/- and cheated the members as well share holders of that Society and made a criminal breach of trust for such amount of Rs.39,15,501/- and thereby, committed aforesaid offences u/s. 409, 420 r/w. 34 of IPC.

4) Advocate for applicant submitted that this applicant has no concern with this offence and he is totally innocent and in fact, two other clerks and one Secretary were also working in that Society and the third clerk is, at all, not named by Auditor while making such blot on this applicant. He submitted that such an audit report is a total imagination of the Auditor himself and the wrong doers are someone

else; but this applicant is falsely involved in this offence. He submitted that this applicant is a permanent resident of village Ganur and he would abide by any terms of the bail, if so released on bail.

5) On the other hand, learned APP strongly opposed this application with a submission that the offence is serious and it is related with a huge amount of Rs.39,15,501/- and he, further, stated that false and bogus receipts of payments were made by this applicant, making collusion with the Secretary and Chairman of that Society and he, further submitted that false debit entries were made by this applicant and then, withdrew the amount from the account of the Society and misappropriated that amount. He submitted that investigation is yet to be completed and it is at the beginning stage and he verbally expressed all those grounds of objection No. 1 to 18 as mentioned in the say at Ex.13. He urged for rejection of the application for bail.

6) After hearing both the sides and going through such papers of investigation and the audit report, it can be seen from the audit report, prepared by Auditor J.B.Ghadoje for such period from 01.04.2013 to 31.03.2015 that the total amount misappropriated in the years 2013, 2014 and 2015 is Rs.22,58,309/- and then, she held responsible one Sudhakar Kedu Shinde, the then Chairman of that Society (accused No.1) and the then Secretary, Dhondiram Piraji Sathe (accused No.2) and this applicant, accused No.3 and their explanation was called for by her but their explanations were found to be unsatisfactory and then, she proposed that Ganur Multi Purpose Co-op. Society to take a necessary legal action. In the manner in which such a misappropriation of that amount is made by this applicant and those two others, is mentioned in detail in all such grounds of objection, taken by opponent in its say and in short, it can be stated that this applicant and his associates though received amount from the borrowers of that Society, less amount was shown at credit in the registers of that Society and then, many amounts

were illegally debited in the account of Society without any resolution or permission and some times, though otherwise, amount was deposited in the bank by chalan; it was used twice showing different dates on the chalan. It is the contention of opponent that ;this applicant is yet to be interrogated as to how he committed all such illegal acts and how the money was misappropriated. Looking to all such objections taken by opponent, it cannot be said that this applicant is falsely involved in this offence or otherwise, such an offence has been registered against him just to cause trouble to him. It appears that applicant wants to dispute this audit report; but any such defensive contention of him has no bearing while hearing such application for anticipatory bail. The contentions so raised by applicant are, therefore, devoid of any substance. So, in the interest of justice, application is rejected.

Niphad.
28.03.2018.

(S.C. Magare),
Addl. Sessions Judge,
Niphad.