IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5640 OF 2013

Amarsingh Shivajirao Pandit,
Age : 50 years, Occu. Agri.,
R/o "Shiv-Chhatra",
Subhash Road, Beed, Tq.
and District Beed. APPLICANT

VERSUS

The State of Maharashtra,
through Police Inspector,
City Police Station, Beed. RESPONDENT

WITH

CRIMINAL APPLICATION NO. 5641 OF 2013

Jalindhar s/o Malharrao Pisal,
Age : Major, Occu. Agri.,
R/o Khadakpura, Georai, Tq.
Georai, District Beed. APPLICANT

VERSUS

The State of Maharashtra,
through Police Inspector,
City Police Station, Beed. RESPONDENT

WITH

CRIMINAL APPLICATION NO. 5653 OF 2013

Sahebrao s/o Nathuji Darekar,
Age : 65 years, Occu. Agri.,
R/o Koyal, Tq. Ashti,
District Beed. APPLICANT

VERSUS

The State of Maharashtra,
through Police Inspector,
City Police Station, Beed. RESPONDENT

WITH

CRIMINAL APPLICATION NO. 5654 OF 2013

Deelip s/o Jandeo Hambarde,
Age : 45 years, Occu. Agri.,
R/o Ashti, Tq. Ashti, Dist. Beed. APPLICANT

VERSUS

The State of Maharashtra,
through Police Inspector,
City Police Station, Beed. RESPONDENT

WITH

CRIMINAL APPLICATION NO. 5655 OF 2013

Subhashchandra s/o Mitthulalji Sarda,
Age : 59 years, Occu. Agriculture,
Business and Social Worker,
R/o Kala Hanuman, Beed, Taluka
and District Beed. APPLICANT

VERSUS

The State of Maharashtra,
through Police Inspector,
City Police Station, Beed. RESPONDENT

WITH

CRIMINAL APPLICATION NO. 5656 OF 2013

Anil s/o Ramrao Solanke,
Age : 47 years, Occu. Agri.
and Lawyer, R/o Majalgaon,
Tq. Majalgaon, Dist. Beed. APPLICANT

VERSUS

The State of Maharashtra,
through Police Inspector,
City Police Station, Beed. RESPONDENT

WITH

CRIMINAL APPLICATION NO. 5657 OF 2013

Ramesh s/o Baburao Adaskar
@ Deshmukh, Age : 42 years,
Occu. Agriculture, R/o Adas,
Tq. Kaij, District Beed. APPLICANT

VERSUS

The State of Maharashtra,
through Police Inspector,
City Police Station, Beed. RESPONDENT

WITH

CRIMINAL APPLICATION NO. 5681 OF 2013

Vilas s/o Dattatraya Sonawane,
Age : 47 years, Occu. Agri.,
R/o Kumbephal, Tq. Ambajogai,
District Beed. APPLICANT

VERSUS

The State of Maharashtra,
through Police Inspector,
City Police Station, Beed. RESPONDENT

WITH

CRIMINAL APPLICATION NO. 5735 OF 2013

Madhukar s/o Pandurang Dhakne,
Age : 60 years, Occu. Agri.,
R/o Bavi, Taluka Shirur (K.),
District Beed. APPLICANT

VERSUS

1. The State of Maharashtra
2. The Superintendent of Police,
   Beed. RESPONDENTS

WITH

CRIMINAL APPLICATION NO. 5736 OF 2013

Ashok s/o Vishwanath Palave,
Age : 64 years, Occu. Cost and
Management Accountant,
R/o Bawdhan, Pune. APPLICANT

VERSUS

1. The State of Maharashtra
2. The Superintendent of Police,
   Beed. RESPONDENTS

WITH

CRIMINAL APPLICATION NO. 5750 OF 2013

Vijaykumar s/o Dattatraya Gandale,
Age : 48 years, Occu. Agriculture,
R/o Village Ghatnandur, Taluka
Ambejogai, District Beed. APPLICANT

VERSUS

1. The State of Maharashtra,
   through the Police Inspector,

Beed City Police Station, Beed,
Taluka and District Beed.
2. The Superintendent of Police,
Beed. RESPONDENTS

WITH

CRIMINAL APPLICATION NO. 5751 OF 2013

Vilas s/o Rajaram Badge,
Age : 58 years, Occu. Agri.,
R/o Beed, Taluka and
District Beed. APPLICANT

VERSUS

1. The State of Maharashtra,
through the Police Inspector,
Beed City Police Station, Beed,
Taluka and District Beed.
2. The Superintendent of Police,
Beed. RESPONDENTS

WITH

CRIMINAL APPLICATION NO. 5752 OF 2013

1. Latabai w/o Vasant Sanap,
Age : 50 years, Occu. Household,
R/o Village Raimoha, Taluka
Shirur (Khurd), District Beed.

2. Mangala alias Prerna w/o
Sundarrao More, Age : 58 years,
Occu. Household, R/o Barshi Road,
Beed, Tq. and District Beed.

3. Kirantai w/o Arunrao Ingale,
Age : 45 years, Occu. Household,
R/o Village Rajegaon, Taluka
Majalgaon, District Beed. APPLICANTS

VERSUS

1. The State of Maharashtra,
through the Police Inspector,
Beed City Police Station, Beed,
Taluka and District Beed.

2. The Superintendent of Police,
Beed. RESPONDENTS

WITH

CRIMINAL APPLICATION NO. 5766 OF 2013

Dhairyasheel s/o Sundarrao Solanke,
Age : 57 years, Occu. Agriculture and
Business, R/o 1/5/772, Kranti Nagar,
Behind Collector's Office, Nagar Road,
Beed, Taluka and District Beed APPLICANT

VERSUS

1. The State of Maharashtra,
through the Police Inspector,
Beed City Police Station, Beed,
Taluka and District Beed.

2. The Superintendent of Police,
Beed. RESPONDENTS

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Mr. Sandeep S. Deshmukh, Advocate for the applicant
in Criminal Applications No. 5640/2013 and 5641/2013.
Mr. V.D. Salunke, Advocate for the applicants in Criminal
Applications No. 5653/2013, 5654/2013 and 5655/2013.
Mr. S.J. Salunke, Advocate for the applicants in Criminal
Applications No. 5656/2013 and 5657/2013.
Mr. N.B. Khandare, Advocate for the applicant in
Criminal Application No. 5681/2013.
Mr. Rajendra S. Deshmukh, Advocate for the applicants
in Criminal Applications No. 5750/2013, 5751/2013,

5752/2013 and 5766/2013.
Mr. Atul M. Karad, Advocate for the applicants in Criminal Applications No. 5735/2013 and 5736/2013.
Mr. A.B. Girase, Advocate for the intervenors in Criminal Application No. 5734/2013 (in Cri. Application No. 5640/2013).
Mr. N.L. Jadhav, Advocate for the intervenors in Criminal Application No. 6528/2013 (in Cri. Application No. 5681/2013 and to assist the P.P. in Criminal Applications No. 5655/2013, 5735/2013, 5657/2013 and 5640/2013.
Mr. S.K. Kulkarni, Advocate to assist the P.P. in Criminal Applications No. 5681/2013, 5656/2013, 5655/2013,5681/2013, 5641/2013, 5654/2013, 5640/2013.
Mr. Pradeep G. Deshmukh, Advocate holding for Mr. S.S. Kulthe, Advocate in Criminal Application No. 5997/2013 (in Cri. Application No. 5640/2013).
Mr. S.K. Savangikar, Advocate for the applicants to assist the P.P. in Criminal Applications No. 5898/2013 and 5900/2013 to assist the P.P..
Mr. S.G. Karlekar, A.P.P. for the respondent/State in all the Criminal Applications.

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CORAM : NARESH H. PATIL AND M.T. JOSHI, JJ.

DATE OF ORDER RESERVED : 21st December, 2013
DATE OF ORDER PRONOUNCED : 24th December, 2013

ORDER (PER : M.T. JOSHI, J.) :

1. Heard learned counsel for the applicants, learned A.P.P. for the State and learned counsel for intervenors.

2. All the present applications for grant of bail in the event of arrest of the applicants in Crime No. 140/2013, registered with Beed City Police Station, are filed by the then Directors of the Beed District Central Cooperative Bank Limited (for short, "the DCC Bank"). The said crime vide FIR dated 2nd October, 2013 is registered for the offences punishable under section 406, 420 read with section 34 of the Indian Penal Code.

3. Since the criminal applications or writ petitions of the present applicants alongwith others for quashing the very same FIR are before this Court, in view of the directions of the Honourable the Chief Justice, the present applications for grant of anticipatory bail are also placed before this Division Bench.

4. The contents in the FIR, in nutshell, are as under :

(I) That, the present applicants alongwith some other persons not before us were the directors of the DCC Bank for a period between 2008 to 2011. In view of various complaints regarding the mismanagement, etc. said to have been committed by the Board of Directors, vide order dated 11nd November, 2011, the Board of Directors was dissolved and as per the provisions of the Maharashtra Cooperative Societies Act, 1960 (for short, "the MCS Act"), a Board of Administration, presently with four members appointed by the State, is working.

(II) The Board of Administration has taken the review of the earlier working of the Board of Directors and took into consideration the statutory audit made by M/s Kankiya and Mehta of Ahmednagar. The review of the Board of Administration as well as the Auditor found the following serious irregularities, incidents of misappropriation, cheating. The act of the Board of Directors has caused loss to the DCC Bank and in future also, the said loss would be there.

(III) The irregularities as are found by the Board of Administration and the Auditor, are as follows :

(i) First of the instances is of non-maintenance of Cash Reserve Ratio (CRR) and Statutory Liquidity Ratio (SLR) as directed by the Reserve Bank of India. In the circumstances, the Reserve Bank of India had imposed a fine of Rs. 16.22 crores.

(ii) The next of the gross act is of showing the account of the DCC Bank in profit against the rules for the years 2008-2009 and 2009-2010, because of which the Income Tax Department has assessed tax at Rs. 20.90 crores.

(iii) Besides this, specifically in the year 2010-2011, the Board of Directors has sanctioned loan proposal on 11th June, 2010 to some of the borrowers. However, without any review, on 10th August, 2010, when those loan proposals were again rejected, still an amount of Rs. 20,00,000/- was paid to Tambweshwar Shetimal Purawatha Va Vitaran Sahakari Sanstha Maryadit, Tambwa, out of which an amount of Rs. 1.82 lacs was still in arrears at the time of filing of the FIR.

(iv) Further in the same year, the following loan proposals were sanctioned by the Board of Directors without the loan being secured and against the reasoned objections raised by the Administration.

Sr. No.	Name of Borrower	Loan Sanctioned (Rs.in lacs)	Arrears on the date of filing of the FIR (Rs.in lacs)
1.	Aditya Bahu-uddeshiya Sanstha, Beed	300.00	277.07
2.	Shrimati Mallawabai Valyal Memorial Charitable Dental Hospital and Research Centre, Solapur	500.00	280.71
3.	Vyankateshwara Agro Sugar Products P.Ltd., Shivni (Jamga), Tq. Loha, Dist. Nanded	1000.00	881.19
4.	Jaibhavani Saha. Sakhar Karkhana Ltd. Shivajinagar Jaibhavani, Gadhi	1457.00	1712.84
5.	Gajanan Sahakari Sakhar Karkhana Ltd. Rajuri (N)	600.00	323.09
6.	Khand Audyogik Bahu-Uddeshiya Gramin Saha. Sanstha M. Ambajogai	16.20	61.39
	TOTAL :		3538.11

(IV) It was further alleged in the FIR that the Board of Directors as well as the members of the Executive Body of the DCC Bank had executed a bond that they would be personally liable for any loss and since deliberately the loss is caused, all the Board of Directors, including the present applicants have committed the offences.

5. In Criminal Writ Petition No. 959/2013, filed by the applicant in present Criminal Application No. 5640/2013, for quashing of the FIR, the Division Bench of this Court, on 21st October, 2013, by way of interim measures, had directed that no coercive steps be taken against the petitioners therein. In the circumstances, the learned Vacation Judges sitting singly, in the present criminal applications as well as in some of the other criminal applications, granted similar interim relief. Ultimately, on 16th November, 2013, the learned Single Judge has observed that it would be desirable for the petitioners to bring the two matters in one Court. The interim relief, however, is continued. In the meantime, the learned Senior Most Judge of this Bench has passed certain administrative order and ultimately the Honourable the Chief Justice, on 6th November, 2013, has directed that all the matters connected with the crime be placed before the Division Bench. The interim relief, as such, is continued in each of the applications till this date.

6. This Division Bench has heard the writ petitions/criminal

applications for quashing of the FIR and the criminal applications for grant of anticipatory bail. Those proceedings are being decided by separate common order.

7. The learned counsel for the applicants in each of the application advanced their argument in detail. Mr. S.G. Karlekar, learned A.P.P. and Mr. A.B. Girase and Mr. N.L. Jadhav, the learned counsel for the intervenors have made their submissions.

8. The general line of argument from the side of the applicants is as follows :

[a] That the FIR does not disclose any commission of cognizable offence.

[b] The special provisions of the MCS Act would show that special offences are provided for with a special machinery for investigation, sentences, etc.

[c] Besides this, as all the documents are already collected by the Investigating Officer and as during the period of interim anticipatory bail, the applicants have abided by the conditions by remaining present for interrogation, etc. now, their custodial interrogation is not required.

[d] The learned counsel for the applicants relied on the ratio laid down in the following authorities :

(i) ***Shri Gurbaksh Singh Sibbia and others Vs.
State of Punjab
(1980) 2 S.C.C. 565***

(ii) ***Siddharam Satlingappa Mhetre Vs.
State of Maharashtra and others
(2011) 1 S.C.C. 694***

(iii) ***Ramdas Vasu Shetty Vs. State of Maharashtra
(2012) 4 S.C.C. 511***

[e] Relying on the ratio in the above authorities, the learned counsel for the applicants submitted that since the denial of bail amounts to deprivation of personal liberty, no constraints should be put on the procedural provisions of section 438 of the Criminal Procedure Code while dealing with the applications for grant of anticipatory bail. They submitted that in the present case, while the applicants are having their permanent abode and having already fully cooperated with the investigating agency for a considerable period in view of the grant of interim anticipatory bail by this Court, now there are no reasons for discontinuation of the same.

[f] The issue of effect of the special provisions of the Maharashtra Cooperative Societies Act, 1960 is argued from applicants' side in detail in the criminal writ petitions/criminal applications for quashing of the FIR, by placing reliance on the ratio in ***"Yashapal Nathuram Janwani and others Vs. State of Maharashtra and another" 2013 ALL MR (Cri) 3794.*** It was submitted that the special provisions of the Maharashtra Cooperative Societies Act, provides for special offences. Therefore, the F.I.R. is not maintainable. On the other hand, the learned A.P.P. as well as learned counsel for the intervenors relied on the ratio laid down by the Supreme Court of India in the case of "***Rama Rao Vs. Narayan" 1969 AIR (SC) 324*** on the same effect of the provisions of the Maharashtra Cooperative Societies Act .

. The issue is being dealt with in the proceedings filed by the applicants for quashing of the F.I.R.

[g] Besides these common submissions, in each of the cases, special circumstances are tried to be made out like the respective applicant being a reputed personality, his/her role in grant of sanction in the meeting of the Board of Directors qua each of the loan proposal, some of the directors have been inducted as professional directors, or their absence in the meetings etc. were highlighted.

9. On the other hand, learned A.P.P. and the learned counsel for the intervenors submitted that the provisions of Section 418 of the Indian Penal Code would show that if a person who "cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates, he was bound, either by law, or by legal contract, to protect," the offence of cheating is made out. According to them, the history of the events would show that deliberately, against the reasoned objections of the Administration side, without any security, large amount of unsecured loans was granted thereby causing losses to the DCC Bank becoming bankrupt, which has deprived the poor depositors or small-time Cooperative Societies from withdrawing their own amounts. They further submitted that presently, the Board of Administration has only the evidence regarding the deliberate causing of loss to the DCC Bank and the depositors. However, the nexus between the directors and the borrowers is required to be investigated. Mere attendance of the present applicants before the Investigating Officer has not and would not lead to a fruitful results unless custodial interrogation to find out such nexus of the applicants is required.

. Mr. A.B. Girase, learned counsel, further submitted that though in all 74 FIRs are filed by the Board of Administration, the FIR in the present cases is the sole FIR filed against the Board of Directors and rest of the FIRs are against the borrowers. In the circumstances, the learned A.P.P. and learned counsel for the intervenors submitted that the present applications be dismissed.

10. Before dealing with the rival submissions, it would be better to first appreciate as to what are the exact allegations against the applicants. The papers filed on record would show that the loans to six Institutions were sanctioned by the Board of Directors of the DCC Bank in their meetings held on 07.06.2010, 21.03.2010, 19.10.2010 and 24.01.2011. All the loan proposals were not on regular agenda of the meetings circulated to the Board of Directors, but were taken suddenly under the caption “residual subject” i.e. the subject brought for discussion at the eleventh hour with the permission of the Chairman. Further, as regards the Aditya Bahu-uddeshiya Sanstha, Beed, which was a Charitable Education Society, a proportion to be granted by the DCC Bank to this non-agricultural loan was already exhausted. Further, no fresh security was sought. The said Society was already in arrears of earlier loan amount. Therefore, the Administration of the DCC Bank has raised objection for grant of loan to the said Society.

11. As regards the another Society, namely, Shrimati Mallawabai Valyal Memorial Charitable Dental Hospital and Research Centre, Solapur, again without any security and against the objection of the

Administration, the loan was granted. The same is the case regarding rest of the four institutions as detailed supra.

12. The learned counsel for the applicants point that in one case earlier mortgage-deed was executed. However the reading of the mortgage-deed would show that only the previous loan was secured by the document. So far as the cases of Jaibhavani Sahakari Sakhar Karkhana Limited and Gajanan Sahakari Sakhar Karkhana Limited are concerned, against the banking norms, earlier the loan was granted even when in one case, the Maharashtra State Cooperative Bank (MSC Bank) had rejected the loan proposal and without obtaining any no dues certificates from any Bank, merely on a bond executed on a stamp worth Rs. 100/-, the loan was disbursed.

13. As regards the loan granted to Khand Audyogik Bahu-uddeshiya Gramin Sahakari Sanstha M., Ambajogai, however, it appears to be a loan proposal under the subsidy scheme of the State of Maharashtra about which no definite conclusion can be made at this stage.

14. The learned counsel for the applicants point towards the previous registered mortgage-deed, which is not at all relevant to the present loan proposals. Further, they point towards certain recovery or full

recovery in one or two cases and execution of the registered mortgage-deed in some cases, only when the crime was registered or was eminent in view of the various FIRs already filed against the borrowers in the cases or in view of the directions issued by the Sessions Court or the learned Single Judges of this High Court to the borrowers while granting anticipatory bail to them.

15. The status of some of the applicants like applicant Amarsingh Shivajirao Pandit in Criminal Application No. 5640/2013 is immaterial or rather adds to the gravity of the offence by a responsible personality. It is not a case of indiscretion but prima facie, appears to be a case of deliberate activity in view of the prominent defects pointed out by the Administration while putting the subject before the Board of Directors.

16. More glaring is the fact that has been brought on record by the learned counsel for the applicants in Criminal Applications No. 5656/2013 and 5657/2013. The learned counsel Mr. S.J. Salunke for the applicants in these applications pointed towards the protest letter sent by the applicant alongwith some other directors on 03.09.2011 to the then Chairman of the DCC Bank. The protest letter would show that not only the subjects were taken at the eleventh hour in the meeting but even in a meeting dated 19th October, 2010 while the proposals were never tabled or discussed, only in the next meeting it was found that the subjects and the

loan proposals were inserted lateron to obtain the signatures of the Board of Directors. In all this situation, having given considered thought to the ratio laid down in the authorities, cited before us and more particularly, in the case of "***Shri Gurbaksh Singh Sibbia and others Vs. State of Punjab"*** (cited supra), we are of the considered view that the respective applicants who were present in the meeting/meetings, have admittedly consented to the loan proposals without raising any protest, do not deserve to be released on anticipatory bail.

. This is more so, when the investigating agency requires those applicants for custodial interrogation for finding out the nexus i.e. the alleged commission, if any, received for grant of sanction of the loan, besides deliberately causing huge losses to the DCC Bank.

17. In that view of the matter, we propose to deal with each of the cases on the line of above discussion, to find out as to whether any special circumstances than dealt above are made out, as under :

CRIMINAL APPLICATION NO. 5640 OF 2013

18. The applicant in this application is a Member of Legislative Assembly. Mr. Sandeep S. Deshmukh, learned counsel for the applicant submits that the chart submitted by the learned A.P.P. would show that the

applicant was not present for one of the meeting.

. However, the record shows that this applicant was present for the another meeting and the documents prima facie show that he has been party to grant of approval/passing of the Resolution. In the circumstances, for the reasons already forwarded, the application of the present applicant stands dismissed.

CRIMINAL APPLICATION NO. 5641/2013 AND
CRIMINAL APPLICATION NO. 5681/2013
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19. The learned A.P.P. submitted that the applicants in these two applications were present to all the meetings and are claimed to be the parties to sanction of the loan proposals which came at the eleventh hour in the meeting/s.

. The documents on record prima facie show that these applicants were present in the meetings wherein the loan proposals, which had come for discussion and grant of sanction at the eleventh hour, were approved. In the circumstances, the applications of these stand dismissed.

CRIMINAL APPLICATION NO. 5653/2013,
CRIMINAL APPLICATION NO. 5654/2013 AND
CRIMINAL APPLICATION NO. 5655/2013
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20. Mr. V.D. Salunke, learned counsel for the applicants in these applications, besides adopting the argument of Mr. S.S. Deshmukh, learned counsel for the applicant in Criminal Application No. 5640/2013, submitted that the documents filed in the Criminal Applications/Criminal Writ Petitions i.e. letters from some of the members of the Board of Administration would show that no resolution for filing of the FIR was passed and the informant Yogesh Sanap i.e. the official of the DCC Bank has, without any authority, filed the FIR. This has been disputed by the learned A.P.P. We do not propose to decide the matter at this stage and it is sufficient to note that the official of the DCC Bank has filed the FIR. Besides this, according to the prosecution, applicant Subhash Sarda in Criminal Application No. 5655/2013 was earlier the Chairman of the DCC Bank. The loan sanctioned to Aditya Bahu-uddeshiya Sanstha to whom the loan was sanctioned is not only a Education Society to whom beyond the proportion to be granted to the non-agricultural institution, the loan is granted, but also his wife is the Chairman of the said Society.

. In the circumstances, since the applicants in the present applications were present in the meeting and were according to the prosecution consenting party, for the reasons already forwarded, their applications will have to be dismissed.

CRIMINAL APPLICATION NO. 5766 OF 2013

21. Mr. R.S. Deshmukh, learned counsel for the applicant in this application, submits that the present applicant was present only for meetings and consented as per the prosecution itself, when the proposals of Jaibhavani Sahakari Sakhar Karkhana Limited and Gajanan Sahakari Sakhar Karkhana Limited were accepted. However, as it was merely for extension of time, to repay the loan already granted, this cannot be construed as a deliberate attempt on the part of the applicant. According to him, this is specifically so, as the documentary evidence filed by him on record would show that the present applicant was always protesting the activities being carried deliberately to the detrimental interest of the DCC Bank. He points towards the protest letters sent by the applicant from time to time protesting against the sanction of various loan proposals and manipulation of record. Mr. Deshmukh, learned counsel, further points towards the statement made by the learned A.P.P. on behalf of the State at the time of hearing on interim relief before the learned Vacation Judge, that during interrogation of the present applicant, he has placed documents on record to the Investigating Officer and has attended the Police Station as per the directions given at the time of grant of interim anticipatory bail.

. On the other hand, learned A.P.P. submits that the protest of the present applicant as per the documents filed by himself reveals that he has chosen to protest about grant of some specific three proposals not relating to the present offence. However, when in the meeting dated 24.01.2011 alongwith the cases of Jaibhavani Sahakari Sakhar Karkhana Limited and Gajanan Sahakari Sakhar Karkhana Limited, the loan proposal of Majalgaon Sahakari Sakhar Karkhana Limited, of which the brother of the present applicant is the Chairman, was tabled, he consented for grant of sanction to extension of the loan illegally granted earlier and in the very same meeting, the loan proposal of Majalgaon Sahakari Sakhar Karkhana Limited was also approved.

. Thus, in the light of the above facts, merely because the present applicant has protested for certain selected activities of the functionaries of the DCC Bank, his absence or protest to other loan proposals would not dilute the necessity of having custodial interrogation for finding of the nexus, as detailed supra. The application of the present applicant, therefore, also stands dismissed.

CRIMINAL APPLICATION NO. 5735/2013 AND
CRIMINAL APPLICATION NO. 5736/2013
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22. Mr. Atul M. Karad, learned counsel for the applicants in these

applications, submits that applicant Madhukar Pandurang Dhakne in Criminal Application No. 5735/2013 was appointed to the Board of Directors as a professional director under the provisions of the MCS Act being an agriculturist. Similarly, applicant Ashok Vishwanath Palve in Criminal Application No. 5736/2013 was also appointed as professional director being the retired Managing Director of a Sugar Factory. Besides, the submissions of the prosecution itself would show that applicant Ashok Palve was absent in all the meetings.

. As regards applicant Madhukar Pandurang Dhakne in Criminal Application No. 5735/2013, according to the prosecution, he was present in three meetings whereunder four loan proposals were sanctioned and the present applicant has consented to the same. His application i.e. Criminal Application No. 5735/2013 is, therefore, dismissed.

. However, considering the facts on record that applicant Ashok Vishwanath Palve in Criminal Application No. 5736/2013 was not present in any of the meetings, he deserves to be released on anticipatory bail. Interim anticipatory bail granted to him is, therefore, made absolute on the same terms and conditions.

CRIMINAL APPLICATION NO. 5656/2013 AND CRIMINAL APPLICATION NO. 5657/2013
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23. The arguments of Mr. S.J. Salunke, learned counsel for the applicants in these two applications were already adverted at the time of making general discussion above. Sum and substance of his argument is that the present applicants though, in fact, have brought to the notice that even the discussion did not take place in the meetings regarding some loan proposals. In the circumstances, he points towards Exhibit-L and Exhibit-M, annexed to Criminal Application No. 5656/2013. Vide Exhibit-L, it is claimed that on 03.11.2011, the present applicants alongwith some other directors of the DCC Bank had communicated to the Chairman of the DCC Bank that without any discussion, the resolutions were shown to have been passed in the proceedings. Exhibit-M is alleged to be a letter sent to the Police Inspector of Beed City Police Station to the same effect.

. The prosecution however claims that these applicants were present in the meeting and had consented for grant of loan proposals.

. Considering the material on record, prima facie we are unable to accede to the submissions advanced by Mr. Salunke, learned counsel for the applicants that since the present applicants themselves were whistle blower, they deserve to be granted anticipatory bail. In the circumstances, their applications i.e. Criminal Applications No. 5656/2013 and 5657/2013 stand dismissed.

CRIMINAL APPLICATION NO. 5752/2013
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24. The applicants in this application are the directors of the DCC Bank and are women, namely, Latabai Vasantrao Sanap, Mangal Sundarrao More and Kiran Arunrao Ingle. These applicants were present in the meetings and had consented to the sanction of the loan proposals. However, considering the fact that these are women and have complied with the conditions those were imposed at the time of grant of interim anticipatory bail to them, their application deserves to be granted and the interim anticipatory bail granted to them deserves to be made absolute on the same terms and conditions.

25. In the result, the following order :

I] Criminal Application No. 5752/2013 is allowed. The interim anticipatory bail granted to the applicants in this application, namely, Latabai Vasantrao Sanap, Mangal Sundarrao More and Kiran Arunrao Ingle is hereby made absolute on the same terms and conditions.

II] Criminal Application No. 5736/2013 is hereby allowed. The interim anticipatory bail granted to the applicant in this application, namely, Ashok Vishwanath Palve is hereby made absolute on the same terms and conditions.

III] All other applications i.e. Criminal Applications No. 5640/2013, 5641/2013, 5653/2013, 5654/2013, 5655/2013, 5656/2013, 5657/2013, 5681/2013, 5735/2013, 5750/2013, 5751/2013 and 5766/2013 are dismissed.

[M.T. JOSHI]
JUDGE

[NARESH H. PATIL]
JUDGE

ORDER :

1. After pronouncement of the Order today in all the applications for anticipatory bail, learned counsel appearing for the respective Applicants submitted that in cases where ad-interim relief was granted, the same be continued, so that the Applicants would be in a osition to take appropriate steps in view of the rejection of their anticipatory bail applications. The counsel pray for four weeks' time. The counsel for the Applicants submit that the Applicants would abide by the conditions already imposed by the

Court while granting interim anticipatory bail to the applicants in the earlier orders.

2. Learned counsel Shri. Sandeep S. Deshmukh, for the applicant in Criminal Application No. 5640/2013, submitted that wife of the Applicant – Amarsingh Pandit is suffering from Hypertension with CRF (Kidney failure) and is hospitalized.

3. The learned A.P.P. for the State submitted that the appropriate orders be passed. Learned counsel Shri. Girase, for the intervenors, opposed the request.

4. After considering the submissions, we direct that ad-interim relief granted earlier by this Court in favour of the Applicants in respect of grant of anticipatory bail, is continued for further FOUR WEEKS from today.

5. Authenticated copy of this order be provided to the parties, on their request.

[M.T. JOSHI]
JUDGE

[NARESH H. PATIL]
JUDGE

npj/criapln5640-13