

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 3300 OF 2015.

SAMADHAN PUNDLIK PATIL & OTHERS.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Vijay Y. Patil, Advocate for the Applicants.

Mr. V.H. Dighe, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 3rd August, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of anticipatory bail, since they are apprehending their arrest in connection with CR No. 63/2015 registered with Police Station, Jamner, District - Jalgaon for the offences punishable under Section/s. 420, 406, 409, 120(B) of the Indian Penal Code and under Section 73(1-A/B), 146, 147 of the Maharashtra Co Operative Societies Act, 1960 and under Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999 (MPIDA).

[2] Heard Mr. Vijay Y. Patil, learned counsel for the Applicants and Mr. V.H. Dighe, Additional Public Prosecutor for the State of Maharashtra.

[3] The Applicants are the borrowers of Kalpataru Gramin Bigar Sheti Sahakari Pat-Sanstha Maryadit, Neri, Taluka – Jamner, District – Jalgaon. According to the First Information Report, present Applicant No.1 – Samadhan has obtained the loan of Rs.10,000/-; where-as Applicant No.2 – Sanjay Patil has obtained the loan of Rs.35,000/-

According to the prosecution case, this principal amount was obtained without giving any security to the said Pat-Sanstha / Society and the Applicants are in default in making the repayment of said loan amount.

[4] This court has already considered the case of Ex Directors of said Society and has already released them on bail. Admittedly, the present Applicants are in default.

[5] Mr. Vijay Y. Patil, learned counsel for the Applicants, upon instructions, submitted that the Applicants are ready to deposit Rs.30,000/- each with the Society within a period of 10 days from today in order to discharge their liability. Statement is accepted.

[6] Since the Applicants have shown their willingness to deposit Rs.30,000/- each with the Society, in discharge of their debt, in my view, custodial presence of the present Applicants is not necessary. That leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant No.1 - SAMADHAN PUNDLIK PATIL and Applicant No.2 – SANJAY RAGHO PATIL shall deposit Rs.30,000/- (Rs. Thirty Thousand) each- with the Kalpataru Gramin Bigar Sheti Sahakari Pat-Sanstha Maryadit, Neri, Taluka – Jamner, District – Jalgaon, within a period of TEN DAYS i.e. by 17th August, 2015.
- (iii) After such deposit, the Applicants shall produced the copy of receipt to the Investigating Officer.
- (iv) In the event of arrest, Applicant No.1 - SAMADHAN PUNDLIK PATIL and Applicant No.2 – SANJAY RAGHO PATIL shall be released on anticipatory bail on they executing PR. Bond of Rs. 5,000/- [Rs. Five Thousand.] each with one solvent surety in the like amount, in connection with CR No. 63/2015 registered with Police Station, Jamner, Taluka & District - Jalgaon for the offences punishable under Section/s. 420, 406, 409, 120(B) of the Indian Penal Code and under Section 73(1-A/B), 146, 147 of the Maharashtra Co Operative Societies Act, 1960 and under Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999 (MPIDA).
- (v) If the amount, as directed above, is not deposited by 17th August, 2015 and if the Applicants failed to produce

the copy of payment receipt with the Investigating Officer, the Investigating Officer shall be at liberty to file application before this court, for cancellation of bail.

(vi) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)