

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

CRIMINAL APPLICATION NO.3679/2015.

HIMMAT NARAYAN PATIL.
VERSUS.
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. B.K. Patil, Advocate for the Applicant.

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

CORAM : V.M. Deshpande, J.

DATE : 23rd July, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No.63/2015 registered with Police Station, Jamner, Taluka – 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 (In short, MPIDA).

[2] Heard Mr. B.K. Patil, learned counsel for the Applicant, Mr. V.H. Dighe, learned Additional Public Prosecutor for the State.

[3] The Applicant was admittedly Ex Directors of Kalptaru Gramin Bigar Sheti Sahakari Pat-Sanstha, Neri, Taluka – Jamner, District – Jalgaon. Report was lodged by statutory auditor – Rajesh R. Kalatri on 10th April, 2015. Said complaint discloses that statutory audit under the directions of the D.D.R. was conducted. The audit Report period was 01/04/2007 to 31/03/2008. Period of the Applicant as Ex Director falls in that audit period.

[4] The complaint which is registered as First Information Report is in three parts. First Part is “daily deposits”. Second Part is sanctioning of loan without following due procedure and Third Part is statutory audit. The Applicant is not held to be responsible in the First Information Report in respect of first part i.e. daily deposits; except general statement that managing committee members ought to have vigilance.

[5] Entire accusation in respect of the daily deposits revolves around Pradip Ramesh Chopade, who is Manager and Pravin, his brother.

[6] This court has already considered the case of Ex Director in Criminal Application No.2664 Of 2015. Case of the present Applicant is pari materia of the Applicants therein. Even Mr. Dighe, learned Additional Public Prosecutor has also submitted that the case of the present Applicant is pari materia with the Applicants – Ex Directors to whom protection is granted by this court on 30th June, 2015.

[7] In that view of the matter, I see no reason to deviate from my earlier order. The only additional condition that the Applicant will be required to follow is that the Applicant shall deposit Rs.10,000/- within a period of one week, from today, before the learned Judicial Magistrate, First Class, Jamner, District – Jalgaon in CR No.63/2015. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, Applicant - HIMMAT NARAYAN PATIL shall be released on anticipatory bail on he executing PR. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No.63/2015 registered with Police Station, Jamner, Taluka – 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 (In short, MPIDA).

(iii) The Applicant is directed to deposit Rs.10,000/- within a period of one week, from today, before the learned Judicial Magistrate, First Class, Jamner, District – Jalgaon in CR No.63/2015.

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

(V.M. DESHPANDE, J.)