Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1286 OF 2014
WITH
CRIMINAL APPLICATION NO. 741 OF 2014

Pramod Bhaichand Raisoni & Anr. … Applicants
vs.
The State of Maharashtra … Respondent
And
Suresh Narayan Kolhapure … Intervenor

ANTICIPATORY BAIL APPLICATION NO.1287 OF 2014
WITH
CRIMINAL APPLICATION NO. 742 OF 2014

Rakesh J. Vyas & Ors. … Applicants
vs.
The State of Maharashtra … Respondent
And
Suresh Narayan Kolhapure … Intervenor

Mr. A.H.H. Ponda a/w. Mr. Kuldeep U. Nikam, Mr. Umesh Raghuwanshi and Mr. Abhay Dhadiwal i/b/ Kuldeep Nikam, Advocate for the applicants in A.B.A. Nos. 1286/2014 and 1287/2014.
Mr. Arfan Sait, APP for the respondent/State.
Mr. Ajay Gadegaonkar i/b. Mr. Prabhakar M. Jadhav, Advocate for the applicant/intervenor in APPP Nos. 741/2014 and 742/2014.
I.O. Mr. V.A. Gaikwad, P.S.I., Deccan Police Station, Pune City present.

CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 6th April, 2015.

P.C.

Criminal Applications Nos. 741 of 2014 and 742 of 2014 filed by the original complainant for intervention are allowed.

2. These two Anticipatory Bail Applications along with two Intervention

Applications are taken together and decided by a common order, as all the applicants/accused in these Applications are facing in same C.R.,i.e. No. 5 of 2014 registered with Deccan Gymkhana Police Station. In Anticipatory Bail Application No. 1286 of 2014, applicant no. 1 is a Director and applicant no. 2 is a Chairman of Bhaichand Hirachand Raisoni Multistate Cooperative Credit Society. In Anticipatory Bail Application No. 1287 of 2014, applicant nos. 1 , 2 and 3 are Regional Manager, Clerk and General Manager of the said Society.

3. It is the case of the prosecution that Bhaichand Hirachand Raisoni Multistate Cooperative Credit Society Ltd. is a registered Society having its branches in various districts all over the Maharashtra. The complainant is a businessman and has invested nearly Rs.20,44,04,145/- in the name of his firms and companies in the said Cooperative Credit Society. Out of these amounts, an amount of Rs.10 crores is received by the complainant and the remaining amount is yet to be received to him. It is the case of the prosecution that though the informant has demanded his invested money with the Deccan Gymkhana Branch of the said Credit Society, they did not return the said amount and it is found that the applicant/accused Sukhlal Mali, who happens to be General Manager of Deccan Gymkhana Branch of the said Credit Society has lodged complaint against accused no. 8 Anis Inamdar, who was then Branch Manager of Deccan Gymkhana. Pursuant to the information given by the

complainant, the police registered an offence at C.R. No. 5 of 2014 with Deccan Gymkhana Police Station, Pune.

4. The learned counsel for the applicants submitted that pursuant to the order passed by this Court on 13th October, 2014, the applicants/accused have deposited Rs.35 lakhs in the Court. Subsequently, the applicants/accused and Credit Society found that the amounts of nearly Rs.10 lakhs were already paid by the Credit Society to third persons and therefore, as on today, the Credit Society does not owe any amount to the complainant. The learned counsel has further submitted this is a fraud played by the applicant/accused no. 8 Anis Inamdar, who was then working as a Branch Manager in Deccan Gymkhana Branch of the said Society. In the Audit Report of the Credit Society of the said Branch, it was noticed that there is misappropriation of money and forgery and wrong entries were made in the transactions and accounts operated by Deccan Gymkhana Branch. After enquiry, the applicant Sukhlal Mali lodged FIR against accused no. 8-Anis Inamdar and the offence was registered by Deccan Gymkhana Police Station in C.R. No. 120 of 2013 under sections 408 and 420. The learned counsel further submitted that thereafter the offence under section 467, 468 of forgery and fraud were registered. He further submitted that he relied on a chart provided by the prosecution of the investment in Fixed Deposits made by the complainant and to whom these fixed deposits of remaining

Rs.10 crores were disbursed. He argued that in the entire transaction, the applicants/accused had no role to play. They are roped in this offence only because they are holding higher positions in the Credit Society. They are personally not the beneficiaries of this fraud.

5. Learned APP and learned counsel for the intervenor while opposing these Applications argued that the complaint is lodged against the Credit Society of which these applicants/accused are the Directors and Regional Manager or working as a clerk. They all are responsible for any fraud committed in the Society. They are liable to pay money which are due to the complainant. The complainant is thus duped by a large amount of Rs.10 crores. It is further submitted that nearly 13 cases have been filed against the Society at various branches in State of Maharashtra. Learned APP pointed out that the complaint was filed by the different account-holders all over Maharashtra at various districts like Amravati, Jalgaon, Buldana etc.

6. Perused the FIR, documents filed herein, affidavit filed by the prosecution with the chart of the fixed deposits of the complainant. It is an admitted fact that the complainant has invested more than Rs.20 crores with this Credit Society, out of which Rs.10 crores are returned. Rs. 35 lakhs as stated on the earlier date were also deposited by the Credit Society in the Court, which the complainant is allowed to withdraw

and use without prejudice to the rights of the Credit Society.

7. The chart of the investments of the complainant discloses that the amounts which were credited for the investments were kept in the Fixed Deposits in fact were shown invested in the name of Anis Inamdar and some other persons and thereby they were disbursed by the Credit Society to some other three persons like Mishra & Others. This shows that forgery is committed and the complainant is deceived for the amounts which he has invested. However, one of the applicants/accused Sukhlal Mali has filed criminal complaint against Anis Inamdar earlier with Deccan Gymkhana Police Station that Anis has committed a fraud in the Society and he has misappropriated the money invested by the complainant. Thus, the Credit Society itself has initiated criminal action against their branch Manager Anis Inamdar. Thus, *prima facie* it shows that whatever offence is committed. it is by Anis Inamdar and some other persons. There is no specific role shown by the prosecution played by these applicants/accused in the fraud except they are Directors and some are employees in the Credit Society.

8. It is also to be noted that on query made by this Court regarding criminal cases lodged against the applicants/accused at various districts in Maharashtra, Mr. Ponda, the learned counsel for the applicants/accused has clarified that all these cases are of bouncing of

cheques by different account holders, as after the registration of this case by the complainant, the news was flashed all over Maharashtra and the account holders felt insecure and in panic, many account-holders demanded their money back from the Credit Society and with a view to meet their demands, the cheques were issued by the Branch Manager of the respective districts without ascertaining the financial position of the Credit Society, which resulted in bouncing of cheques and these all cases under section 138 of the Negotiable Instruments Act were registered. The prosecution did not deny this position and there is no other case of forgery, fraud of this nature against the applicants/accused. In view of this, it is a case to protect the applicants/accused by granting pre-arrest bail. Hence, I confirm the order of interim bail dated 13th October, 2014 granted to the applicants/accused on the same bail bonds and surety. The applicants/accused shall attend the concerned police station as and when called by the Investigating officer and shall cooperate in the investigation. The applicants/accused shall not indulge into any criminal activity especially for the offences for which they were prosecuted.

9. The Applications for anticipatory bail are disposed of on above terms.

(MRS. MRIDULA BHATKAR, J.)