IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3654 OF 2016

1] Dr. Sanjay S/o Yadav Nehete,
Age : 51 years, Occu.: Medical Practitioner,
R/o Nehete Hospital, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

2] Nilay S/o Jagdish Patel,
Age : 36 years, Occu.: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

3] Dr. Nilima W/o Sanjay Nehete,
Age : 48 years, Occu.: Medical Practitioner,
R/o Nehete Hospital, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

4] Jagdish S/o Wallabhbhai Patel,
Age : 67 years, Occu.: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

5] Bharat S/o Wallabhbhai Patel,
Age : 65 years, Occu.: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

6] Ghanshyam Murlidhar Patil,
Age : 53 years, Occu.: Business,
R/o Tukaram Nagar, Infront of

Marbal Ganpati, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon .. Applicants

Vs.

The State of Maharashtra,
Through the Police Inspector,
Bhusawal (City) Police Station,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon .. Respondent

WITH
CRIMINAL APPLICATION NO. 4420 OF 2016
IN
CRIMINAL APPLICATION NO. 3654 OF 2016

Hemraj Balwant Deshmukh,
Age : 35 years, Occu.: Service,
R/o : At Post, Ganraya Plaza, Bhusawal,
Tal : Bhusawal, Dist. Jalgaon .. Applicant

Vs.

1] Dr. Sanjay Yadav Nehete,
Age : 51 years,
Occu.: Medical Practitioner,
R/o : Nehete Hospital, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tal. Bhuswal,
Dist. Jalgaon

2] Nilay S/o Jagdish Patel,
Age : 36 years, Occu: Business,
R/o : Surya Bungalow, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tal : Bhusawal,
Dist. Jalgaon

3] Dr. Nilima W/o Sanjay Nehete,
Age : 48 years,
Occu.: Medical Practitioner,
R/o Nehete Hospital, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tal : Bhusawal,
Dist. : Jalgaon

4] Jagdish S/o Wallabhbhai Patel,
Age : 67 years, Occu.: Business,
R/o : Surya Bungalow, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tal : Bhusawal,
Dist. : Jalgaon

5] Bharat S/o Wallabhbahai Patel,
Age : 65 years, Occu.: Business,
R/o : Surya Bungalow, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tal : Bhusawal,
Dist. : Jalgaon

6] Ghanshyam Murlidhar Patil,
Age : 53 years, Occu.: Business.
R/o Tukaram Nagar, Infront of
Marbal Ganpati, Bhusawal,
Tal : Bhusawal, Dist. Jalgaon **(Orig. Applicants)**

7] The State of Maharashtra,
Through Police Inspector,
Bhusawal (City) Police Station,
Bhusawal, Tal. Bhusawal,
Dist. Jalgaon .. Respondents

WITH

CRIMINAL APPLICATION NO. 3749 OF 2016

1] Shri Rajendra Pralhad Mahajan,
Age : 50 years, Occu.: Service,
R/o : 10, Madhuvijay Colony,
College Road, Near Model Colony,
Nashik, District Nashik

2] Sau. Minal Rajendra Mahajan,
Age : 47 years, Occu.: Service,
R/o : 10, Madhuvijay Colony,
College Road, Near Model Colony,
Nashik, District Nashik

3] Shri Mahesh Suryakant Chaudhari,
Age : 45 years, Occu.: Business,

R/o : A-23, Ajita Apartment,
Mahila Bank, Indira Nagar, Nashik,
District Nashik

4] Sau. Vaishali Mahesh Chaudhari,
Age : 40 years, Occu.: Business,
R/o : A-23, Ajita Apartment,
Mahila Bank, Indira Nagar,
Nashik, Dist. Nashik

5] Sau. Sindhu Dattatraya Dhande,
Age : 72 years, Occu.: Household,
R/o : Bungalow No.19,
Modkeshwar Society,
Indira Nagar, Nashik,
Dist. Nashik

6] Shri Vishnu Janji Mahajan,
Age : 74 years, Occu.: NIL,
R/o : Near Modkeshwar Mandir,
Indira Nagar, Nashik,
Dist. Nashik .. Applicants

Vs.

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH

CRIMINAL APPLICATION NO. 3730 OF 2016

1] Dr. Vinay Raghunath Chaudhari,
Age : 64 years, Occu.: Doctor,

2] Kiran Vijay Chaudhari,
Age : 34 years, Occu.: Business

3] Pankaj Vinay Chaudhari,
Age : 37 years, Occu.: Business,

All R/o Municipal Staff Colony,
Jamner Road, Tq. Bhusawal,
Dist. Jalgaon .. Applicants

Vs.

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH

CRIMINAL APPLICATION NO. 3736 OF 2016

Sau. Kiran Milind Dhande,
Age : Major, Occu.: Business,
R/o : Bungalow No.19,
Modkeshwar Society,
Indira Nagar, Nashik .. Applicant

Vs.

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal

Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH

CRIMINAL APPLICATION NO.3734 OF 2016

1] Dr. Vinay Raghunath Chaudhari,
Age: 64 years, Occu: Doctor

2] Kiran Vinay Chaudhari,
Age: 34 years, Occu: Business

3] Pankaj Vinay Chaudhari,
Age: 37 years, Occu: Business,

All R/o: Municipal Staff colony,
Jamner Road, Bhusawal, Tq. Bhusawal,
District Jalgaon .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH

CRIMINAL APPLICATION NO.3740 OF 2016

Sau. Kiran Milind Dhande,
Age: Major,Occu: Business,
R/o Bungalow No. 19,
Modakeshwar Society,
Indira Nagar, Nashik .. Applicant

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH
CRIMINAL APPLICATION NO.3747 OF 2016

1] Shri Rajendra Pralhad Mahajan,
Age: 50, Occu: Service,
R/o: 10, Madhuvijay Colony,
College Road, Near Model Colony,
Nashik, District Nashik

2] Sau. Minal Rajendra Mahajan,
Age: 47, Occu: Service,
R/o: 10, Madhuvijay Colony,
College Road, Near Model Colony,
Nashik, District Nashik

3] Shri Mahesh Suryakant Chaudhari,
Age: 45, Occu: Business,
R/o: A-23, Ajita Apartment, Mahila Bank,
Indira Nagar, Nashik,
District Nashik

4] Sau. Vaishali Mahesh Chaudhari,
Age: 40, Occu.: Business,
R/o: A-23, Ajita Apartment, Mahila Bank,
Indira Nagar, Nashik,
District Nashik

5] Sau. Sindhu Dattatraya Dhande,
Age: 72, Occu.: Household,

R/o: Bungalow No. 19, Modkeshwar Society,
Indira Nagar, Nashik,
District Nashik

6] Shri Vishnu Janji Mahajan,
Age: 74, Occu.: NIL,
R/o: Near Modkeshwar Mandir,
Indira Nagar, Nashik,
Dist. Nashik .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH
CRIMINAL APPLICATION NO.3655 OF 2016

1] Dr. Sanjay s/o Yadav Nehete,
Age: 51 years, Occu: Medical Practitioner,
R/o Nehete Hospital, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

2] Nilay s/o Jagdish Patel,
Age: 36 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

3] Dr. Nilima w/o Sanjay Nehete,
Age: 48 years, Occu: Medical Practitioner,
R/o Nehete Hospital, Near Navshakti

Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
District Jalgaon

4] Jagdish s/o Wallabhbhai Patel,
Age: 67 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V.Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

5] Bharat s/o Wallabhbhai Patel,
Age: 65 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

6] Ghanshyam Murlidhar Patil,
Age: 53 years, Occu: Business,
R/o Tukaram Nagar, Infront of
Marbal Ganpati, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal (City) Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon .. Respondent

WITH
CRIMINAL APPLICATION NO.3732 OF 2016

1] Dr. Vinay Raghunath Chaudhari,
Age: 64 years, Occu: Doctor

2] Kiran Vinay Chaudhari,
Age: 34 years, Occu: Business

3] Pankaj Vinay Chaudhari,
Age: 37 years, Occu: Business,

All R/o: Municipal Staff colony,
Jamner Road, Bhusawal, Tq. Bhusawal,
District Jalgaon .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH
CRIMINAL APPLICATION NO.3739 OF 2016

Sau. Kiran Milind Dhande,
Age: Major,Occu: Business,
R/o Bungalow No. 19,
Modakeshwar Society,
Indira Nagar, Nashik .. Applicant

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH
CRIMINAL APPLICATION NO.3744 OF 2016

1] Shri Rajendra Pralhad Mahajan,
Age: 50, Occu: Service,
R/o: 10, Madhuvijay Colony,
College Road, Near Model Colony,
Nashik, District Nashik

2] Sau. Minal Rajendra Mahajan,
Age: 47, Occu: Service,
R/o: 10, Madhuvijay Colony,
College Road, Near Model Colony,
Nashik, District Nashik

3] Shri Mahesh Suryakant Chaudhari,
Age: 45, Occu: Business,
R/o: A-23, Ajita Apartment, Mahila Bank,
Indira Nagar, Nashik,
District Nashik

4] Sau. Vaishali Mahesh Chaudhari,
Age: 40, Occu.: Business,
R/o: A-23, Ajita Apartment, Mahila Bank,
Indira Nagar, Nashik,
District Nashik

5] Sau. Sindhu Dattatraya Dhande,
Age: 72, Occu.: Household,
R/o: Bungalow No. 19, Modkeshwar Society,
Indira Nagar, Nashik,
District Nashik

6] Shri Vishnu Janji Mahajan,
Age: 74, Occu.: NIL,
R/o: Near Modkeshwar Mandir,
Indira Nagar, Nashik,
Dist. Nashik

7] Javed Munsari,
Age: Major, Occ: Service,
R/o. Indira Nagar, Nashik .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH
CRIMINAL APPLICATION NO.3656 OF 2016

1] Dr. Sanjay s/o Yadav Nehete,
Age: 51 years, Occu: Medical Practitioner,
R/o Nehete Hospital, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

2] Nilay s/o Jagdish Patel,
Age: 36 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

3] Dr. Nilima w/o Sanjay Nehete,
Age: 48 years, Occu: Medical Practitioner,
R/o Nehete Hospital, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
District Jalgaon

4] Jagdish s/o Wallabhbhai Patel,
Age: 67 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V.Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

5] Bharat s/o Wallabhbhai Patel,
Age: 65 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

6] Ghanshyam Murlidhar Patil,
Age: 53 years, Occu: Business,
R/o Tukaram Nagar, Infront of
Marbal Ganpati, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal (City) Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon .. Respondent

WITH
CRIMINAL APPLICATION NO.3731 OF 2016

1] Dr. Vinay Raghunath Chaudhari,
Age: 64 years, Occu: Doctor

2] Kiran Vinay Chaudhari,
Age: 34 years, Occu: Business

3] Pankaj Vinay Chaudhari,
Age: 37 years, Occu: Business,

All R/o: Municipal Staff colony,
Jamner Road, Bhusawal, Tq. Bhusawal,
District Jalgaon .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH
CRIMINAL APPLICATION NO.3735 OF 2016

Sau. Kiran Milind Dhande,
Age: Major, Occu: Business,
R/o Bungalow No. 19,
Modakeshwar Society,
Indira Nagar, Nashik .. Applicant

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH
CRIMINAL APPLICATION NO.3748 OF 2016

1] Shri Rajendra Pralhad Mahajan,
Age: 50, Occu: Service,
R/o: 10, Madhuvijay Colony,
College Road, Near Model Colony,
Nashik, District Nashik

2] Sau. Minal Rajendra Mahajan,
Age: 47, Occu: Service,
R/o: 10, Madhuvijay Colony,
College Road, Near Model Colony,
Nashik, District Nashik

3] Shri Mahesh Suryakant Chaudhari,
Age: 45, Occu: Business,
R/o: A-23, Ajita Apartment, Mahila Bank,
Indira Nagar, Nashik,
District Nashik

4] Sau. Vaishali Mahesh Chaudhari,
Age: 40, Occu.: Business,
R/o: A-23, Ajita Apartment, Mahila Bank,
Indira Nagar, Nashik,
District Nashik

5] Sau. Sindhu Dattatraya Dhande,
Age: 72, Occu.: Household,
R/o: Bungalow No. 19, Modkeshwar Society,
Indira Nagar, Nashik,
District Nashik

6] Shri Vishnu Janji Mahajan,
Age: 74, Occu.: NIL,
R/o: Near Modkeshwar Mandir,
Indira Nagar, Nashik,
Dist. Nashik .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH
CRIMINAL APPLICATION NO.3657 OF 2016

1] Dr. Sanjay s/o Yadav Nehete,
Age: 51 years, Occu: Medical Practitioner,
R/o Nehete Hospital, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

2] Nilay s/o Jagdish Patel,
Age: 36 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

3] Dr. Nilima w/o Sanjay Nehete,
Age: 48 years, Occu: Medical Practitioner,
R/o Nehete Hospital, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
District Jalgaon

4] Jagdish s/o Wallabhbhai Patel,
Age: 67 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V.Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

5] Bharat s/o Wallabhbhai Patel,
Age: 65 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

6] Ghanshyam Murlidhar Patil,
Age: 53 years, Occu: Business,
R/o Tukaram Nagar, Infront of
Marbal Ganpati, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal (City) Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon .. Respondent

WITH
CRIMINAL APPLICATION NO.3741 OF 2016

Sau. Kiran Milind Dhande,
Age: Major,Occu: Business,
R/o Bungalow No. 19,
Modakeshwar Society,
Indira Nagar, Nashik .. Applicant

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH
CRIMINAL APPLICATION NO.3743 OF 2016

1] Shri Rajendra Pralhad Mahajan,
Age: 50, Occu: Service,
R/o: 10, Madhuvijay Colony,
College Road, Near Model Colony,
Nashik, District Nashik

2] Sau. Minal Rajendra Mahajan,
Age: 47, Occu: Service,

R/o: 10, Madhuvijay Colony,
College Road, Near Model Colony,
Nashik, District Nashik

3] Shri Mahesh Suryakant Chaudhari,
Age: 45, Occu: Business,
R/o: A-23, Ajita Apartment, Mahila Bank,
Indira Nagar, Nashik,
District Nashik

4] Sau. Vaishali Mahesh Chaudhari,
Age: 40, Occu.: Business,
R/o: A-23, Ajita Apartment, Mahila Bank,
Indira Nagar, Nashik,
District Nashik

5] Sau. Sindhu Dattatraya Dhande,
Age: 72, Occu.: Household,
R/o: Bungalow No. 19, Modkeshwar Society,
Indira Nagar, Nashik,
District Nashik

6] Shri Vishnu Janji Mahajan,
Age: 74, Occu.: NIL,
R/o: Near Modkeshwar Mandir,
Indira Nagar, Nashik,
Dist. Nashik .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH
CRIMINAL APPLICATION NO.3658 OF 2016

1] Dr. Sanjay s/o Yadav Nehete,
Age: 51 years, Occu: Medical Practitioner,
R/o Nehete Hospital, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

2] Nilay s/o Jagdish Patel,
Age: 36 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

3] Dr. Nilima w/o Sanjay Nehete,
Age: 48 years, Occu: Medical Practitioner,
R/o Nehete Hospital, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
District Jalgaon

4] Jagdish s/o Wallabhbhai Patel,
Age: 67 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V.Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

5] Bharat s/o Wallabhbhai Patel,
Age: 65 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

6] Ghanshyam Murlidhar Patil,
Age: 53 years, Occu: Business,
R/o Tukaram Nagar, Infront of
Marbal Ganpati, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal (City) Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon .. Respondent

WITH
CRIMINAL APPLICATION NO.3733 OF 2016

1] Dr. Vinay Raghunath Chaudhari,
Age: 64 years, Occu: Doctor

2] Kiran Vinay Chaudhari,
Age: 34 years, Occu: Business

3] Pankaj Vinay Chaudhari,
Age: 37 years, Occu: Business,

All R/o: Municipal Staff colony,
Jamner Road, Bhusawal, Tq. Bhusawal,
District Jalgaon .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH
CRIMINAL APPLICATION NO.3729 OF 2016

1] Dr. Vinay Raghunath Chaudhari,
Age: 64 years, Occu: Doctor

2] Kiran Vinay Chaudhari,
Age: 34 years, Occu: Business

3] Pankaj Vinay Chaudhari,
Age: 37 years, Occu: Business,

All R/o: Municipal Staff colony,
Jamner Road, Bhusawal, Tq. Bhusawal,
District Jalgaon .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH
CRIMINAL APPLICATION NO.3737 OF 2016

Sau. Kiran Milind Dhande,
Age: Major,Occu: Business,
R/o Bungalow No. 19,
Modakeshwar Society,
Indira Nagar, Nashik .. Applicant

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal

Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH

CRIMINAL APPLICATION NO.3745 OF 2016

1] Shri Rajendra Pralhad Mahajan,
Age: 50, Occu: Service,
R/o: 10, Madhuvijay Colony,
College Road, Near Model Colony,
Nashik, District Nashik

2] Sau. Minal Rajendra Mahajan,
Age: 47, Occu: Service,
R/o: 10, Madhuvijay Colony,
College Road, Near Model Colony,
Nashik, District Nashik

3] Shri Mahesh Suryakant Chaudhari,
Age: 45, Occu: Business,
R/o: A-23, Ajita Apartment, Mahila Bank,
Indira Nagar, Nashik,
District Nashik

4] Sau. Vaishali Mahesh Chaudhari,
Age: 40, Occu.: Business,
R/o: A-23, Ajita Apartment, Mahila Bank,
Indira Nagar, Nashik,
District Nashik

5] Sau. Sindhu Dattatraya Dhande,
Age: 72, Occu.: Household,
R/o: Bungalow No. 19, Modkeshwar Society,
Indira Nagar, Nashik,
District Nashik

6] Shri Vishnu Janji Mahajan,
Age: 74, Occu.: NIL,
R/o: Near Modkeshwar Mandir,
Indira Nagar, Nashik,
Dist. Nashik .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Venkatesh Urban Co-operative
Societies Ltd., Bhusawal
Through its Incharge Manager,
Shri Hemaraj B. Deshmukh,
Ganraya Plaza, Sapana Bazar,
Bhusawal .. Respondents

WITH

CRIMINAL APPLICATION NO.3659 OF 2016

1] Dr. Sanjay s/o Yadav Nehete,
Age: 51 years, Occu: Medical Practitioner,
R/o Nehete Hospital, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

2] Nilay s/o Jagdish Patel,
Age: 36 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

3] Dr. Nilima w/o Sanjay Nehete,
Age: 48 years, Occu: Medical Practitioner,
R/o Nehete Hospital, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
District Jalgaon

4] Jagdish s/o Wallabhbhai Patel,
Age: 67 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V.Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

5] Bharat s/o Wallabhbhai Patel,
Age: 65 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

6] Ghanshyam Murlidhar Patil,
Age: 53 years, Occu: Business,
R/o Tukaram Nagar, Infront of
Marbal Ganpati, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal (City) Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon .. Respondent

WITH
CRIMINAL APPLICATION NO.3728 OF 2016

1] Dr. Vinay Raghunath Chaudhari,
Age: 64 years, Occu: Doctor

2] Kiran Vinay Chaudhari,
Age: 34 years, Occu: Business

3] Pankaj Vinay Chaudhari,
Age: 37 years, Occu: Business,

All R/o: Municipal Staff colony,
Jamner Road, Bhusawal, Tq. Bhusawal,
District Jalgaon .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal City Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Shri Ritesh Deoram Patil,
Age- Major, Occu.
R/o Ring Road, Jalgaon,
Tq. and Dist. Jalgaon .. Respondents

WITH
CRIMINAL APPLICATION NO.3738 OF 2016

Sau. Kiran Milind Dhande,
Age: Major,Occu: Business,
R/o Bungalow No. 19,
Modakeshwar Society,
Indira Nagar, Nashik .. Applicant

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bazar Peth Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Shri Ritesh Deoram Patil,
R/o Jalgaon, Dist. Jalgaon .. Respondents

WITH
CRIMINAL APPLICATION NO.3746 OF 2016

1] Shri Rajendra Pralhad Mahajan,
Age: 50, Occu: Service,
R/o: 10, Madhuvijay Colony,
College Road, Near Model Colony,
Nashik, District Nashik

2] Sau. Minal Rajendra Mahajan,
Age: 47, Occu: Service,
R/o: 10, Madhuvijay Colony,
College Road, Near Model Colony,
Nashik, District Nashik

3] Shri Mahesh Suryakant Chaudhari,
Age: 45, Occu: Business,
R/o: A-23, Ajita Apartment, Mahila Bank,

Indira Nagar, Nashik,
District Nashik

4] Sau. Vaishali Mahesh Chaudhari,
Age: 40, Occu.: Business,
R/o: A-23, Ajita Apartment, Mahila Bank,
Indira Nagar, Nashik,
District Nashik

5] Sau. Sindhu Dattatraya Dhande,
Age: 72, Occu.: Household,
R/o: Bungalow No. 19, Modkeshwar Society,
Indira Nagar, Nashik,
District Nashik

6] Shri Vishnu Janji Mahajan,
Age: 74, Occu.: NIL,
R/o: Near Modkeshwar Mandir,
Indira Nagar, Nashik,
Dist. Nashik .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bazar Peth Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon

2] Shri Ritesh Deoram Patil,
R/o Jalgaon, Dist. Jalgaon .. Respondents

WITH
CRIMINAL APPLICATION NO.3660 OF 2016

1] Dr. Sanjay s/o Yadav Nehete,
Age: 51 years, Occu: Medical Practitioner,
R/o Nehete Hospital, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

2] Nilay s/o Jagdish Patel,
Age: 36 years, Occu: Business,

R/o Surya Bunglows, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

3] Dr. Nilima w/o Sanjay Nehete,
Age: 48 years, Occu: Medical Practitioner,
R/o Nehete Hospital, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
District Jalgaon

4] Jagdish s/o Wallabhbhai Patel,
Age: 67 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V.Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

5] Bharat s/o Wallabhbhai Patel,
Age: 65 years, Occu: Business,
R/o Surya Bunglows, Near Navshakti
Arcade, T.V. Tower, Jamner Road,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon

6] Ghanshyam Murlidhar Patil,
Age: 53 years, Occu: Business,
R/o Tukaram Nagar, Infront of
Marbal Ganpati, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon .. Applicants

Vs

1] The State of Maharashtra
Through the Police Inspector,
Bhusawal (City) Police Station,
Bhusawal, Tq. Bhusawal,
District Jalgaon .. Respondent

WITH
CRIMINAL APPLCATION NO.4454 OF 2016
IN
CRIMINAL APPLCATION NO.3660 OF 2016

Ritesh Deoram Patil ..Applicant

Vs

Dr. Sanjay Yadav Nehete & ors. ..Respondents

Mr. V.D. Hon, Sr. Advocate i/b Mr. A.D. Shinde, Advocate for the applicant (3654/2016, 3659/2016, 3660/2016, 3658/2016, 3655/2016, 3656/2016, 3657/2016)

Mr. V.B. Patil, Advocate for the applicants (3733, 3729, 3728, 3730, 3734, 3732 and 3731 all of 2016)

Mr. D.S. Bagul, Advocate for the applicant (3741, 3749, 3736, 3737, 3745, 3738, 3746, 3743, 3740, 3747, 3739, 3744, 3735 and 3748 all of 2016)

Mr. A.D. Namde, APP with Mr. V.M. Kagne, A.P.P. for the respondent/State

Mr. S.P. Brahme, Advocate for complainant (4454/2016, 4420/2016)

CORAM : A.S. CHANDURKAR, J.

DATE ON WHICH ARGUMENTS WERE HEARD : 08/12/2016

DATE ON WHICH ORDER IS PRONOUNCED : 21/12/2016

ORDER :

Heard.

2. Since applicants in all these applications apprehend their arrest in connections with separate

crimes registered on the basis of issuance of recovery certificate dated 15/5/2008 and other documents alleged to have been created to defraud one Venkatesh Urban Co-operative Credit Society Ltd., these applications are being decided by this common order.

3. According to the Incharge Manager of Venkatesh Urban Co-operative Credit Society Ltd., Bhusawal (for short "**the Society**"), loan application dated 8/4/2006 was moved by various directors and members of M/s Niramay Pharma Pvt. Ltd. (for short "**the firm**"). Loan case no. 9 of 2003 was accordingly processed and pursuant thereto, loan of Rs.2,54,00,000/- came to be sanctioned on 10/6/2006. As the loan amount was not repaid, proceedings under Section 101 of the Maharashtra Co-operative Societies Act, 1960 (for short "**the said Act**") came to be initiated. In those proceedings, recovery certificate dated 15/5/2008 came to be issued. Properties of the applicants were sought to be attached pursuant to the said recovery certificate. This action of attachment was the subject matter of challenge in separate revision applications

filed by some of the applicants. It is the case of the society that the applicants herein filed various bogus documents to show repayment of the loan amount with a view to defraud the society. In that regard, the Incharge Manager of the said Society filed five separate complaints before the learned Magistrate. After orders were passed under Section 156(3) of the Code of Criminal Procedure, 1973, Crime nos. 23 of 2016, 24 of 2016, 25 of 2016, 26 of 2016 and 27 of 2016 came to be registered. Similarly, Crime no. 73 of 2015 was registered on the basis of the report given by the Authorised Officer of the Society while Crime no. 157 of 2015 was registered on the basis of the report given by one Ritesh Devram Patil.

4. In Crime no.23 of 2016, it is the case of the complainant that by preparing bogus documents, the accused intended to make a show that the loan amount had been repaid. These documents came to be filed before the revisional authority as well as before this Court. The applicants in Criminal Application No.3654 of 2016, 3749 of 2016, 3730 of 2016 and 3736 of 2016 apprehend their arrest in aforesaid Crime no. 23 of

2016 registered at Bhusawal City Police Station, Tq. Bhusawal, Dist. Jalgaon for the offences punishable under Sections 405, 406, 409, 420, 463, 464, 465, 467, 468, 469, 471 and 120-B of the Indian Penal Code.

. Insofar as the Crime no.24 of 2016 is concerned, it is stated by the complainant that a no objection certificate dated 27/7/2007 purported to be issued by the Assistant Registrar was got prepared for the same purpose. Applicants in Criminal Application Nos.3734 of 2016, 3740 of 2016, 3747 of 2016 and 3655 of 2016 apprehend their arrest in Crime no. 24 of 2016 registered at Bhusawal City Police Station, Tq. Bhusawal, Dist. Jalgaon for the offences punishable under Sections 405, 406, 409, 420, 463, 464, 465, 467, 468, 469, 471 and 120-B of the Indian Penal Code.

. In Crime no. 25 of 2016, the complainant has stated that the no-objection certificate dated 28/10/2012 with the signature of the Assistant Registrar on stamp paper of Rs.100/- came to be prepared which indicated that the loan amount had been repaid. Applicants in Criminal Application No.3732 of

2016, 3739 of 2016, 3744 of 2016 and 3656 of 2016 apprehend their arrest in Crime no. 25 of 2016 registered at Bhusawal City Police Station, Tq. Bhusawal, Dist. Jalgaon for the offences punishable under Sections 405, 406, 409, 420, 463, 464, 465, 467, 468, 469, 471 and 120-B of the Indian Penal Code.

. In Crime no.26 of 2016, the complainant has stated that audit reports for the years 2006 - 2013 came to be manipulated in such a manner which would indicate that the loan amount had been repaid which would facilitate its recovery being avoided. Applicants in Criminal Application nos. 3731 of 2016, 3735 of 2016, 3748 of 2016, 3657 of 2016 apprehend their arrest in Crime no.26 of 2016 registered at Bhusawal City Police Station, Tq. Bhusawal, Dist. Jalgaon for the offences punishable under Sections 405, 406, 409, 420, 463, 464, 465, 467, 468, 469, 471 and 120-B of the Indian Penal Code.

. In Crime no.27 of 2016, the complainant has stated that false proceedings came to be initiated

before the Divisional Joint Registrar, Co-operative Societies under Section 154 of the said Act on the basis of fraudulent documents. Applicants in Criminal Application Nos. 3741 of 2016, 3743 of 2016, 3658 of 2016 and 3733 of 2016 apprehend their arrest in Crime no.27 of 2016 registered at Bhusawal City Police Station, Tq. Bhusawal, Dist. Jalgaon for the offences punishable under Sections 405, 406, 409, 420, 463, 464, 465, 467, 468, 469, 471 and 120-B of the Indian Penal Code.

. In Crime no.73 of 2015, the informant – Authorized Officer of the Society has reported that the accused persons therein with a view to repay the loan amount pursuant to Loan case no.9 of 2003 had issued four cheques for an amount of Rs.50,00,000/- drawn on Jalgaon Janata Bank. However, said cheques were dishonoured on the ground that the funds were insufficient. Applicants in Criminal Application nos.3729 of 2016, 3737 of 2016, 3745 of 2016 and 3659 of 2016 apprehend their arrest in Crime No.73 of 2015 registered at Bhusawal City Police Station, Tq. Bhusawal, Dist. Jalgaon for the offences punishable

under Sections 406, 420 r/w. 34 of the Indian Penal Code.

. In Crime no.157 of 2015, the informant – Ritesh Devram Patil has stated that he was Director of the said firm but had resigned as such on 28/10/2008. This resignation was accepted on 21/9/2009. However, the accused persons therein prepared bogus and fraudulent documents which indicated that the informant had actually resigned on 3/2/2014. This was done with a view to make the informant liable to pay the loan amount. Applicants in Criminal Application no.3728 of 2016, 3738 of 2016, 3746 of 2016 and 3660 of 2016 apprehend their arrest in Crime No. 157 of 2015 registered at Bhusawal Bazar Peth Police Station, Tq. Bhusawal, Dist. Jalgaon for the offences punishable under Sections 420, 467, 468, 471 r/w. 34 of the Indian Penal Code.

5. Criminal Application no.4420 of 2016 has been filed by the Incharge Manager of the said Society seeking permission to assist the prosecution in Criminal Application no.3654 of 2016 so as to oppose

the prayers made therein. Criminal Application no.4454 of 2016 has been filed by Ritesh Devram Patil seeking permission to assist the prosecution in Criminal Application no.3660 of 2016. For the reasons stated in both these Applications, the same are allowed and disposed of.

6. Shri V.D. Hon, learned Senior Counsel alongwith Shri A.D. Shinde, learned counsel for the applicants in Criminal Application no.3654 of 2016 as well as Shri V.B. Patil, learned counsel, Shri D.S. Bagul, learned counsel on behalf of the respective applicants submitted that all the five private complaints as well as two crimes registered are based on the recovery proceedings under Section 101 of the said Act. It is submitted that the alleged recovery certificate dated 15/5/2008 and the action of attachment of properties was the subject matter of challenge in proceedings under Section 154 of the said Act. As proceedings for attachment of immovable properties owned by some of the applicants were issued, the attachment order dated 13/8/2009 came to be challenged in this Court and Writ Petitions nos. 8474

of 2009 and 1671 of 2010 had been admitted and interim relief came to be granted. Some applicants had challenged the said order of attachment by filing revision application. On 12/8/2014, the revisional authority allowed the revision applications preferred by some of the applicants on the ground that the original records of the recovery proceedings though called, could not be produced. The Recovery Officer on behalf of the society challenged this order dated 12/8/2014 by filing Writ Petition nos.9717 of 2014, 9777 of 2014 and 9508 of 2014. It is submitted that in these writ petitions, learned Single Judge of this Court had directed the Commissioner of Co-operation to conduct an enquiry into the matter of issuance of recovery certificate dated 15/5/2008 issued under Section 101 of the said Act. Pursuant thereto, on 30/1/2015, the Commissioner has of Co-operation submitted his report as directed. Copies of the said reports were directed to be supplied to the parties. In the meanwhile, the writ petitions came to be admitted. It is submitted that in the enquiry report, various discrepancies in the matter of issuance of the recovery certificate were found and a doubt was

expressed with regard to issuance of the same. It is therefore submitted that after this report was placed on record, the private complaints as well as two separate crimes came to be registered without responding to the report dated 30/1/2015. It is submitted that when the proceedings in that regard were still pending before this Court and there was *prima facie* material to indicate that the recovery certificate dated 15/5/2008 had not been issued in accordance with the prescribed procedure, there was no reason for the society to have filed private complaints. It is then submitted that some of the applicants had filed Writ Petitions before the Division Bench of this Court seeking quashing of those proceedings and initially, the investigation in the said offences had been stayed. Subsequently, the said order was modified by directing that the chargesheet should not be presented without orders of the Court. In that backdrop, it is urged that when the matter was pending before this Court and the report dated 30/1/2015 *prima facie* supported the stand of the applicants, the applicants were entitled for protection. It was submitted that the entire matter is

based on documentary material which is yet to be crystallized. Since March, 2016, the applicants have been protected and therefore a case has been made out to continue the protection till filing of the chargesheet. It is therefore submitted that the Applications deserve to be granted.

7. The aforesaid submissions were opposed by Shri Namde and Shri Kagne, learned Additional Public Prosecutors for the State as well as Shri S.P. Brahme, learned counsel for the informant. According to them, as a *prima facie* case was made out against the applicants, the learned Magistrate was pleased to direct issuance of process and registration of the complaints under Section 156(3) of the said Act. It was submitted that there was sufficient material on record to indicate that applicants had used various forged documents before various authorities with a view to indicate that the entire loan amount had been repaid. As per the loan documents, the liability of each Director – applicant was joint and several and therefore cognizance of the offence was rightly taken by the learned Magistrate. Reference was made to

various documents in that regard. It was also submitted that though the complainant – Ritesh Devram Patil has resigned as director of the firm on 28/10/2008, he was shown to have immediately resigned on 3/2/2014. Learned counsel for the informant submitted that as serious economic offences had been committed with a view to escape financial liability, no protection deserves to be granted to the applicants. In that regard, reliance is placed on the judgment of the Hon'ble Supreme Court in the case of **Nimmagadda Prasad Vs. Central Bureau of Investigation 2013(7) S.C.C. 466.**

8. With the assistance of learned counsel for the parties, I have perused the material on record and I have also gone through the police papers. It is the matter of record that the recovery certificates dated 15/5/2008 issued under Section 101 of the said Act and subsequent attachment proceedings are subject matter of challenge in Writ Petition nos.9777 of 2014, 9508 of 2014 and 9117 of 2014. This Court by order dated 15/11/2014 had directed the Commissioner of Co-

operation to make an enquiry into the proceedings of Case no.1766 of 2008 initiated by the Society against the firm. The Commissioner was directed to inspect the original record, verify documents, hear parties and thereafter submit his report. This report came to be submitted by the Commissioner of Co-operation on 30/1/2015 in which various irregularities in the maintenance of records of said proceedings were noticed. This in turn cast a doubt on the issuance of the recovery certificates. After this report was placed on record in the aforesaid writ petitions, parties were given an opportunity to place their response to the said report as per order dated 16/11/2015. It appears from the record that the society and the complainant have so far not given their say to the aforesaid report in those writ petitions. It is to be noted that all the five private complaints have been filed after this report was placed on record of this Court. Similarly, crime nos. 73 of 2015 and 157 of 2015 also appear to have been registered thereafter.

9. From the material on record, I find that

pursuant to the challenge raised to the recovery certificates dated 15/5/2008 and attachment of properties, the matter has reached this Court and report into the records and proceedings of said case had been called. Adjudication / conclusion based on said report is yet not complete. In such situation and based on very same documents, which are the subject matter of consideration in the enquiry report, the private complaints as well as the crimes have been registered. I find that at least till these proceedings arising out of issuance of recovery certificates under Section 101 of the said Act reach finality, the applicants would be entitled for protection.

10. It is to be noted that civil writ petitions challenging the very same recovery certificates and the criminal writ petition challenging the registration of aforesaid offences are pending before this Court. In the civil writ petitions, the parties therein have been restrained from creating third party rights of their properties while in the criminal writ petition, the filing of the chargesheet has been stayed. The entire

material which is the basis of the five private complaints as well as two crimes is documentary in nature and is also the subject matter of report dated 30/1/2015. Since March, 2016, this Court in the aforesaid proceedings had granted protection to the applicants from coercive action. Considering the aforesaid facts and pendency of aforesaid proceedings, I find that *prima facie* case for continuing the interim protection has been made out. In these facts therefore, the decision relied upon by the learned counsel for the applicant does not assist his case.

11. It is also necessary to refer to the affidavit-in-reply filed by the Superintendent of Police, Jalgaon in Criminal Writ Petition no.852 of 2016 which has been field by the society seeking transfer of investigation of aforesaid crimes to the Special Economic Branch, Jalgaon. In said affidavit dated 13/9/2016, it has been stated that the complainant in the private complaints – Incharge Manager of the Society has not been responding to the directions issued by the investigating agency to assist it in further investigation. Reference is made to

notices issued on 5/3/2016 and thereafter to the complainant and it is stated that there was no response to the same. It is then stated that though the complainant agreed to produce relevant records on 5/8/2016, he neither attended the police station nor produced the record. The aforesaid stand of the Superintendent of Police, Jalgaon is also a factor that is required to be taken into consideration while considering the prayer for continuing the interim protection.

12. In view of the aforesaid discussion, the following order is passed :-

ORDER

I) In the event of arrest of any of the applicants in Crime Nos.23 of 2016, 24 of 2016, 25 of 2016, 26 of 2016 and 27 of 2016, respectively, registered at Bhusawal City Police Station, Tq. Bhusawal, Dist. Jalgaon for the offences punishable under Sections 405, 406, 409, 420, 463, 464, 465, 467, 468, 469, 471 and 120-B of the Indian Penal Code, Crime

No.157 of 2015 registered at Bhusawal Bazar Peth Police Station, Tq. Bhusawal, Dist. Jalgaon for the offences punishable under Sections 420, 467, 468, 471 r/w. 34 of the Indian Penal Code, Crime No.73 of 2015 registered at Bhusawal City Police Station, Tq. Bhusawal, Dist. Jalgaon for the offences punishable under Sections 406, 420 r/w. 34 of the Indian Penal Code, they shall be released on bail, upon each of them furnishing P.R. bond of Rs.20,000/- (Rs. Twenty Thousand) with one surety in the like amount.

II) They shall appear before the Investigating Officer as and when directed and co-operate in the investigation.

III) They shall not take any steps to influence the prosecution witnesses or tamper with the material collected by the prosecution.

IV) Liberty is reserved in favour of the prosecution as well as the informant to seek modification/cancellation of this order after adjudication of Writ Petition Nos.9508 of 2014 and 9777

of 2014 if the occasion for the same arises.

13. It is clarified that observations made in this order are *prima facie* in nature and only for the purposes of deciding the present Applications.

14. Criminal Applications are allowed in the aforesaid terms and disposed of.

[A.S. CHANDURKAR]
JUDGE

arp/