**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.4758 OF 2015

1. Devendra Santosh Kahirnar,
Age 42 years, occu.Agri.,

2. Dinesh jaidev Patil,
Age 51 years, Occu. Service

Both r/o Kudhawad,
Taluka Shahada, Dist.Nandurbar ..Applicants

Versus

. The State of Maharashtra ..Respondent

Mr Amit Savale, Advocate for applicants
Mr S.M. Ganachari, A.P.P. for respondent

- WITH -

CRIMINAL APPLICATION NO.4797 OF 2015

1. Prabhakar s/o Jagannath Borase,
Age 50 years, Occu. Recovery Officer,
At District Central Co-operative Bank
Ltd., Dhule-Nandurbar,
R/o Kalamba, Taluka Shahada,
District Nandurbar

2. Ashok s/o Dattatraya Patil,
Age 56 years, Occu. Bank Officer,
At District Central Co-operative Bank
Dhule – Nandurbar,
R/o Plot No.44, Madhyamik Shikshak
Colony, Nakane road, Deopur,
Dhule Taluka and District Dhule ..Applicants

Versus

. The State of Maharashtra,
through Mhasawad Police Station ..Respondent

- WITH -

CRIMINAL APPLICATION NO.4784 OF 2015

1. Vinayak Jaganturi Gosavi,
Age 54 years, Occu. Branch
Manager, D.C.C. Bank Branch

Shahada, R/o Taloda, Taluka
Taloda, District Nandurbar

2. Ishwar Raghunath Patil,
Age 53 years, Occu. Cashier in
D.C.C. Bank Branch Shahada,
R/o Brahmanpuri, Taluka Shahada,
District Nandurbar ..Applicants

Versus

1. The State of Maharashtra
through the in-charge Police
Station Officer, Police Station,
Mhasawad, Taluka Shahada,
District Nandurbar

2. The Superintendent of Police,
Nandurbar, Dist. Nandurbar ..Respondents

Mr P.R. Katneshwawrkar, Advocate for applicants
Mr S.M. Ganachari, A.P.P. for respondents

- WITH -

CRIMINAL APPLICATIION NO.4804 OF 2015

Yashwant s/o Baliram Baisane,
Age 60 years, Occu. Pensioner,
R/o Sarangkheda, Taluka Shahada,
District Nandurbar ..Applicant

Versus

The State of Maharashtra,
through Police Station, Mhasawad,
Taluka Shahada, Dist. Nandurbar ..Respondent

- WITH -

CRIMINAL APPLICATION NO.4805 OF 2015

1. Moinoddin Tamijoddin Shaikh,
Age 60 years, Occu. Retired
(Manager and Div. Officer)

2. Bhratsing Vitthal Sisode,
Age 52 yers, Occu. Service
(Bank Inspector), R/o Lonkheda,
Taluka Shahada, Dist. Nandurbar

3. Parmeshwar Jadhav Chavan,
Age 54 years, Occu. Service
(In-charge Div. Officer)

Applicants No.2 and 3 R/o Shahada,
Taluka Shahada, Dist. Nandurbar

4. Dilip Shriram Sonawane,
Age 59 years, Occu. Service (Manager),
R/o Sakri, Taluka Sakri, Dist. Dhule

5. Bhaskar Narayan Pawar,
Age 56 years, Occu. Service
(Joint Cashier), R/o Shahada,
Taluka Shahada, Dist. Nandurbar

6. Kiransing Narayansing Rajput,
Age 52 years, Occu. Service (Accountant),
R/o Dondaicha, Taluka Shindkheda,
District Dhule ..Applicants

Versus

1. The State of Maharashtra,
through Police Station Officer,
Mhasawad Police Station, Taluka Shahada,
District Nandurbar

2. The Superintendent of Police,
Nandurbar, Dist. Nandurbar ..Respondents

Mr R.S. Pawar, Advocate for applicants
Mr S.M. Ganachari, A.P.P. for respondents

CORAM : N.W. SAMBRE, J.
DATE : 15th January 2016

PER COURT

Heard.

2. Pursuant to an audit report, offence bearing No.46/2015 came to be registered at Mhasawad Police Station, District Nandurbar, for the offences punishable under Sections 409, 420, 467, 468 read with sec. 34 of Indian Penal Code, wherein it was alleged that the applicants-accused persons are responsible for depositing Rs.88 lakhs and odd amount.

3. During pendency of present application, some of the applicants, particularly Secretary of the society has brought to the notice of this Court that the entire amount of defalcation as is claimed is already deposited with the Bank through the society.

4. In this background, all the applicants submit that their custodial interrogation is not necessary, as the entire documents are available with the investigating agency.

5. Upon perusal of the investigation papers and the other documents, the modus as regards the advancement of loan appears to be that the District Central Co-operative Bank advances loan to the farmers through the credit co-operative societies of which such farmers are members. The proposals for loan are routed through the credit co-operative societies, upon recommendation of the society against which the loan is disbursed to the society by the Bank. It appears that it is the primary responsibility of the society to recover the loan from the farmers to whom the advances are made and to deposit the same with the concerned District Central Co-operative Bank.

6. In the present case, what appears is, for a period of 2012 to 2013 since there was no elected body of the society, the employees of the society processed the applications for loan and submitted the same to the Bank with recommendation by administrator or the employees to advance the loan to its members.

7. Upon perusal of the relevant contents of Audit Report of the society, it is noted therein that the amount as was advanced, was without following the procedure as is established and as such, offence is registered.

8. During pendency of the present application, it is informed by all the applicants that the amount of defalcation as is claimed in the audit is already deposited which fact is confirmed with the District Central Co-operative Bank by the Investigating Officer.

9. In the above background, if we examine the claim as sought to be put forth for grant of pre-arrest bail, particularly in the background of Section 82 of the Maharashtra Co-operative Societies Act, it is required to be noted that upon audit objection which is formed to be basis of registration of crime, the amount of loan was advanced upon processing of the request thereof, directly or indirectly by the applicants herein, is already recovered.

10. In view of admitted position on record that the entire amount is already deposited with the Bank, in my opinion, custodial interrogation of the applicants is not necessary, particularly when the record of the Bank and the society is available for inspection and further investigation.

11. In that view of the matter, in the event of applicants' arrest in Crime No.46/2015 registered at Mhasawad Police Station, District

Nandurbar, for the offences punishable under Sections 409, 420, 467, 468 read with sec. 34 of Indian Penal Code, the applicants be released on bail, upon furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount, by each of them.

12. The applicants to furnish their mobile numbers including land-line numbers, if any, so also their residential addresses to the Investigating Officer within 72 hours from today.

13. The Investigating Officer so as to make inquiry and further investigation in the matter may give 48 hours notice to each of the applicants in case personal presence of applicants is necessary. He will be also at liberty to summon the record from the Bank and the Society concerned in relation to the offence in question.

14. It is expected of the accused to co-operate the Investigating Officer, as they are suspected of commission of economic offence.

15. If it is noticed that any of the applicants flouted the condition of the bail, it will be open for the Investigating Officer to move for cancellation of bail.

16. Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

(vvr/