

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

CRIMINAL APPLICATION NO. 1726 OF 2016

Raosaheb s/o Gangadhar
Gahile and ors.

..Applicants

Versus

The State of Maharashtra
through Investigation Officer,
Nagar Taluka Police Station,
Ahmednagar and ors.

..Respondents

Mr N.B. Narwade, Advocate for applicants
Mr S.D. Ghayal, A.P.P. for respondents no. 1 and 3
Mr S.S. Thombre, Advocate for respondent no.2

- WITH -

CRIMINAL APPLICATION NO. 3630 OF 2016

The State of Maharashtra

..Applicant

Versus

Asaram s/o Maruti Londhe
and ors.

..Respondents

Mr S.D. Ghayal, A.P.P. for applicant

CORAM : N.W. SAMBRE, J.

DATE : 9th January 2017

PER COURT

1. The applicants in Criminal Application no. 1726 of 2016 are aggrieved by the order dated 26th February 2016 passed by learned Sessions Judge, Ahmednagar in Criminal (Bail) M.A. No. 116 of 2016.

2. Criminal Application No. 3630 of 2016 is filed by the State for cancellation of regular bail granted to the respondents who are Chairman and Directors of the Credit Co-operative society.

3. It is the case of the prosecution, pursuant to first information report in the above referred crime that Manager of Arangaon branch of Sahyadri Nagar Credit Co-operative Society has misappropriated amount of Rs.79,81,033/-. It is claimed by the applicant in Criminal Application No.1726 of 2016 that said accused Kishor Pawar has orally stated before the Investigating Officer that of the misappropriated amount, some amount was given to respondent no.2.

4. The same is formed to be the basis for cancellation of bail. In my opinion, the parameters to be considered for exercising powers for cancellation of bail, particularly in the matter of Apex Court needs to be observed. It is required to be noted that the Manager, the main accused in the crime in question has refused to give any written statement or any confessional statement or statement under Section 164 of Cr.P.C. that he has of the chunk amount chunk misappropriated he has given some amount to respondent no.2. It is because accused has made statement against present respondent no.2, that cannot be the reason for impleading him much less for the purpose of carrying out proper investigation.

5. The only role attributed to respondents - Chairman and Director, particularly in the matter of cancellation of bail is that they have promised refund of the amount to the depositors who at the relevant time visited the branch.

6. The concept of guardian Director of a co-operative bank is very much in establishment and in practice even in the co-operative sector.

7. It is pursuant to the misappropriation noticed at the behest of the Manager of the branch Chairman and the respondent - Director have visited the branch and have tried to look out the work of the branch.

8. It is not the case of the prosecution or otherwise of complainant that the credit co-operative societies who have made deposits are not in a financial position to return their deposits.

9. In view of above, in my opinion, no case for cancellation of bail is made out.

10. As such, both the criminal applications stand rejected.

(N.W. SAMBRE, J.)

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