

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.318 OF 2017

Hemant Hiranman Patil & Ors. Applicant

versus

State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.188 OF 2017

Manik Babulal Pagar Applicant

versus

State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.204 OF 2017

Sunil Dadaji Deore & Ors. Applicants

versus

State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.205 OF 2017

Sarika Vishnu Borse Applicant

versus

State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.243 OF 2017

Milind Rambhau Aher & Ors. Applicants

versus

State of Maharashtra ... Respondent

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Mr.H. Salgaonkar, Advocate i/b. Harshad Bhadbhade, Advocate for the Applicant in ABA No.318/17.

Mr.Sham V. Walve, Advocate i/b. Mr.Swapnil V. Walve, Advocate for the Applicant in ABA Nos.188/17 and 205/17.

Mr.Niranjan Mudargi, Advocate i/b. Vikram R. Sutaria, Advocate for the Applicant in ABA No.204/17.

Mr.Vinod P. Sangvikar, Advocate for Applicant in ABA No.243/17.

Mr.Deepak Thakery, APP for the State/Respondent in ABA Nos.318/17, 188/17, 243/17.

Mr.Y.M. Nakhwa, APP for the State/Respondent in ABA Nos.204/17 and 205/17.

API – Mr.Jalinder Pale (EOW, Nashik Road)

Mr.Narayan Gadekar (Auditor) for complainant.

CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 28th FEBRUARY, 2017.

P.C. :

1. All these applications are disposed of by a common order as they all are prosecuted in C.R.No.5/17 registered at Kalwan Police Station, Nashik, at the instance of one Mr.Narayan Dhurpatrao Gadhekar, Special Auditor on 07/01/2017 for the offences punishable under sections 406, 408, 420, 467, 468, 401 r/w 34 of the Indian Penal Code.

2. The applicants/accused in all these applications are either Directors or the borrowers of one late Bhila Daji Pawar Gramin Bigarsheti Sahakari Patasanstha Ltd., Manur, Taluka Kalwan. The auditor came across many irregularities and financial misappropriation in the bank, which has caused wrongful loss to the bank to the tune of Rs.1,24,77,895/- and therefore all the Directors and borrowers who did not repay the amount are made accused. All the applicants/accused are granted interim bail in all these applications as these applicants/accused showed readiness to deposit the substantial amount by accepting their liability in the bank and therefore necessary orders can be obtained by the bank regarding disbursement of these amounts from appropriate authority.

3. The learned counsel for the applicant/accused Sarika Vishnu Borse submitted that she has taken Rs.49,61,482/- from the bank. However, she repaid Rs.13,20,000/- earlier and plus Rs.6,49,022/- or amount after virtue of this Court and thus she has totally paid Rs.20,00,000/-.

4. Thus, pursuant to the order dated 01/02/2017 in ABA No.188/17, order dated 02/02/2017 in ABA Nos.204/17 and ABA No.205/17, order dated 08/02/2017 in ABA No.243/17 and order dated 17/02/2017 in ABA No.318/17, the applicants/accused have deposited the respective amounts with the bank. The two Directors namely Sharad Kashinath Devre in ABA No.204/17 and Kashinath Poslya Padvi in ABA No.243/17 did not deposit the amount. The learned counsel for the applicants/accused has submitted that the amount could not be deposited as they were appointed as the Directors in the said Credit Society from Reserve Adivasi quota and they are working on daily wages and their earning is very meager. The statement is accepted and thus interim order of the applicants/accused is confirmed with the same bail bond with modified condition of attendance that the applicants/accused shall attend police station as and when called till filing of the charge-sheet.

(MRIDULA BHATKAR, J.)