

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

BAIL APPLICATION NO.3022 OF 2017

Umesh Baburao Jagdale Applicant

Vs.

The State of Maharashtra Respondent

Mr. Prashant Mohan Patil for the Applicant.

Mr. Y.M. Nakhwa, APP for the State.

Mr. Prakash Khandekar, P.I., Warje-Marwadi Police Station present

Coram : Smt. Sadhana S. Jadhav, J.

Date : 23rd January, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP. Perused the papers of investigation.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 19th June 2017 in Crime No.489 of 2016, registered at Warje-Malwadi Police Station, District Pune, for the offences punishable under Sections 406, 408, 409, 420, 465, 467, 468, 471, 120(B) read with 34 Indian Penal Code.

3 It is the case of the prosecution that the applicant was initially working as a Manager in Vighnagar Sahakari Patsanstha,

Pune during the period 2000 to 2009 and the applicant was a director of the said Credit society during the period 2009-2014. It is the case of the prosecution that the Auditor of Co-operative Society had conducted the audit of the said credit society for the period 2000- 2013. It is alleged that in the course of conducting the audit, it had revealed that there is mis-appropriation of the funds and there are several irregularities in the co-operative society. According to the Auditor, the directors and the employees of the said credit society had committed fraud. There were irregularities in the loan transactions, so much so that the unsecured loans were disbursed without following due procedure of law and hence there is fraud of Rs.2,63,26,947/-.

4 Learned counsel for the applicant submits that the provisions of Maharashtra Co-operative Societies Act, 1960 has not been followed. There is no enquiry under Section 83 and no liability is fixed on the directors under Section 88 of the said Act. It is also submitted that Section contemplates that maximum period for the audit should not be more than 5 years. Be that as it may, some of the directors have been granted interim protection under Section 438 Cr.P.C. by this Court, after filing an undertaking that they shall not withdraw their deposits or withdraw money from their savings accounts in the said bank. Learned counsel for the applicant submits that the applicant has about Rs.17,73,337/- in his saving account and he

would withdraw the same till the conclusion of the trial. The applicant has made out the case for grant of bail.

5 The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

ORDER

1 The application is allowed.

2 The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

3 The applicant shall co-operate with the investigating agency to the best of his capacity.

4 The Administrator shall not permit any of the directors including the present applicant to carry out any transactions in their savings account or withdrawal of fixed deposits.

(*Smt. Sadhana S. Jadhav, J*)