

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [ABA] No.238 of 2018

Naresh Vasantrao Turankar

vs.

State of Maharashtra, through P.S.O. Wadgaon Road, District Yavatmal

with

Criminal Application [ABA] No.233 of 2018

Manish Radhesham Bharti

vs.

State of Maharashtra, through P.S.O. Wadgaon Road, District Yavatmal

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

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*Shri Firdos Mirza, Advocate for the Applicant.
Shri H.D. Dubey, A.P.P. for the Non-Applicant/State.*

CORAM : S.B. SHUKRE, J.
DATE : 19th APRIL, 2018.

Heard.

Perused the reply of the prosecution and the case diary. It is not in dispute that both these applicants viz. Naresh Turankar and Manish Bharti were not actually the promoters, but were the Directors, who arrived at the scene after their getting elected as Directors of the Co-operative Credit Society in May, 2015 and they continued to be there till 05/02/2017 and 07/11/2017 respectively. It is also not in dispute that this Society was collecting funds by giving various promises to the investors since the year 2013 and the period of defalcation is ranging from the year 2013 to 2017. No role has been specifically attributed to both these applicants in the defalcation of the investors' funds. Both these applicants were the Directors, who had, in fact, played the role of a whistleblower, in that,

they had first brought to the notice of the District Deputy Registrar of the Co-operative Societies various irregularities in the affairs of the credit society. They had brought to the notice of the District Deputy Registrar on 06/10/2017 that the monthly statement of accounts were not being shown to them, the accounts were not being audited regularly and that there was a serious foul play in the management of the funds of the investors. These complaints were primarily made by both these applicants against the Managing Director and the Chairman of the Society, who according to the applicants, were Dattatray Shete and Rajendra Muke.

Considering the facts and circumstances of the case discussed above, I find that it is doubtful at this stage if any dishonest intention can be attributed to these applicants. Therefore, I also find that both these applicants deserve to be granted anticipatory bail.

In the result, the applications are allowed and the interim anticipatory bail granted to the applicants on 6th April, 2018 and 5th April, 2018 is hereby confirmed on the same conditions with addition of the condition that the applicants shall attend the concerned police station for a further period of one week between 06:00 p.m. and 07:00 p.m. starting from 21st April, 2018 and also on such other occasions as may be required by the police.

The applications are disposed of accordingly.

JUDGE