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

CRIMINAL APPLICATION (ABA) NO.265/2018
(Sau.Seema Rajesh Parate Vs. State of Maharashtra, through P.S.Wadgaon Road, Yavatmal
CRIMINAL APPLICATION (ABA) NO.253/2018
(Bebitai w/o Pundlikrao Shewatkar Vs. State of Maharashtra, through P.S.Wadgaon Road, Yavatmal

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.

Shri Anil Mardikar, Sr.Advocate for applicant in ABA 265/18 and
Shri Akshay Naik, Advocate for applicant in ABA 253/2018
Shri H.Dubey, APP for State in both the matters.

CORAM : S. B. SHUKRE, J.
DATE : APRIL 27, 2018

As the issue involved in both these applications is identical, these applications are heard together and decided by this common order.

Reply of the prosecution filed in ABA No.265/2018 is taken on record.

Heard Shri Anil Mardikar, learned senior counsel for the applicant in ABA No.265/02018, Shri Akshay Naik, learned counsel for the applicant in ABA 253/2018 and Shri Dubey, learned APP for the State. I have also gone through the FIR and reply of the prosecution filed in these matters and also the case dairy.

My attention is invited by learned senior counsel for the applicant to the order passed by this

Court on 19th April, 2018 in this very crime, granting bail to the other directors of Co-operative Credit Society and according to him, this order to these applications would stand covered by the view taken by this Court on 19th April, 2018 while deciding the applications of the other directors of the Co-operative Society, which were Criminal Application (APL) No.238/2018 and Criminal Application (APL) No.233/2018. On going through the case diary, I find that there is a great substance in the submissions of the learned senior counsel. Shri Naik, learned counsel also makes same submission and I have no reason to differ with what has been stated before me by the learned senior counsel and learned counsel for the applicant.

Shri Dubey, learned APP has pointed out to me that there is an allegation against these applicants that they had taken part in the meeting held between the Bank Officials and the investors, wherein, they made certain promises to the investors that their deposits will attract high annual rates of interest ranging from 11 to 15% per annum. Such a promise, prima facie, does not appear to be an impossible promise so as to hint at any criminal dishonesty on the part of the person making such promise. It is only when an unreasonable or impossible promise is made that it could be presumptively said that criminal dishonesty is present since inception. This is not the case here.

In addition, what has been stated above, there is no material available on record to show that these applicants had played any role in defalcation of the funds of the investors on this account. Also, these applicants are equally situated with the other accused-Directors, who have been granted anticipatory bail by this Court on 19th April, 2018.

In view of above, the applications are allowed and the interim anticipatory bail granted by this Court to these applicants on 13.04.2018 and 11.04.2018 respectively, is hereby confirmed on the same conditions with clarification that the applicants need not attend the police station except when they are called upon to do so by the Investigating Officer.

The applications stand disposed of accordingly.

JUDGE

Andurkar.