

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

CRIMINAL APPLICATION (ABA) NO.365 OF 2018

(Sau. Ashwini w/o Shyam Lole and another Vs. State of Maharashtra thr. PSO PS
Balapur, Tq. Balapur, Dist. Akola)

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

Court's or Judge's orders.

Shri S.V. Sohoni, Advocate for Applicant.
Shri N.H. Joshi, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 23rd JULY, 2018.

Applicant 1 – Sau. Ashwini Shyam Lole who was the President of Shri Baladevi Mahila Urban Co-operative Credit Society and applicant 2 – Swapneel Mahadev Nakode who was the Daily Collection Agent are apprehending arrest in Crime 105/2018 for offence punishable under sections 406, 409, 418, 467 and 12(b) of the Indian Penal Code and section 3 of the Maharashtra Protection of Interest of Depositors Act.

2] From perusal of the material on record, it is not clear as to how the offence as alleged is *prima facie* made out. The accusation is that applicant 1 sanctioned loan of Rs.50,000/- in favour of her husband on 12.11.2013 and the applicant 2 availed overdraft facility and loan. The outstanding against applicant 1 and her husband, according to the learned counsel for the applicant is

Rs.1,05,579/- as on 31.03.2017. An undertaking is given to clear the said outstanding within two months. The undertaking is accepted.

3] An amount of Rs.87,599/- is said to be outstanding against the applicant 2 as on 31.03.2017 and this amount shall be cleared in two months, is the undertaking. This undertaking is also accepted.

4] The application is allowed.

5] The interim order dated 29.05.2018 is confirmed.

JUDGE