IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 160 OF 2019

Suman Ashok Joshi … Applicant
Vs.
The State of Maharashtra … Respondent

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Mr. Manoj J. Bhatt for the applicant.
Mr. A.R. Kapadnis, APP for the Respondent-State.
Mr. Sham Shinde, P.I. V.P.Road, Police Station is present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 18th JANUARY, 2019.

P.C.

1. Applicant is apprehending arrest in connection with CR No. 125 of 2018 registered with V.P. Road Police station, Mumbai.

2. Case of the prosecution is that Sanmitra Co-operative Bank Limited was established as a one Unit Bank in the year 1921 in Mumbai. The said bank functions as per the provisions of the Maharashtra Co-operative Housing Societies Act, 1960 and Banking Regulation Act, 1949. The audit for the period starting from 1st April, 2014 to 31st March, 2016 learnt about the irregularities committed by the old and new members of committee. For the year 2009 to 2014, there were 13 committee members including the main Accused one Mr. Vishwas Mhambre,

who was also a Chairman of the Committee. It is alleged that Mr. Vishwas Mhambre and other 12 committee members conspired and connived together to change/tamper with the Membership register to include the names of applicant and others. It is alleged that Vishwaas Mhambre took bogus documents and showed the new members as resident of Mumbai and those documents were submitted with Registrar office and held the elections. After tenure of the committee, it is mandatory to inform the Registrar of Co-operative Societies, however, Vishwaas Mhambre and other committee members without following the rules appointed co-accused Abhishek Joshi as a Member on 30th September, 2014 and also appointed him as a Chairman of the Committee. On 31st October,2014, Abhishek Joshi and Commitee members appointed one Mr. Yogesh Joshi as a Manager in contravention to the rules and regulations. It is alleged that newly elected committee members sanctioned vehicle loan to 43 members totalling to Rs.3,71,37,249/-. From the list it can be seen that 22 loans were sanctioned on 25th March, 2015 the day when applicant was appointed as Committee member.

3. Learned counsel for the applicant submits that son of the applicant is already arrested in this case and he is in custody.

There is no direct allegation against the applicant showing her complicity in the crime. She is not beneficiary of the proceeds of the crime. It is submitted that there was delay in lodging the FIR. No specific role is attributed to applicant. She has not played any role in sanctioning loan.

4. The prosecution case as stated above, the accused had acted in collusion with each other and disbursed the various loans to the tune of Rs.3,71,37,349/- to other person. The acceptance of whom is not known. The documents which have been annexed like Pan Card by the borrower were forged. Learned APP submitted that applicant is also involved in another transaction in which the prosecution is initiated at Rajasthan. Considering the nature of allegations against the applicant, I do not find that the case for grant of anticipatory bail is made out. Hence, application is rejected.

(PRAKASH D. NAIK, J.)