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

ANTICIPATORY BAIL APPLICATION NO. 425 OF 2019

Pradeep Padmakar PawaskarApplicant

V/s.

The State of MaharashtraRespondent

Mr. Sudhir S. Hardikar for the applicant

Mr. S. S. Hulke APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 18, 2019.

P.C.

Heard learned counsel for the applicant and the learned APP.

2 In Crime No. 332/2018 registered with Chaturshrungi Police Station, Pune for offence punishable under Sections 406, 409, 420, 465, 467, 468, 471, 120-B r/w 34 of the Indian Penal Code, applicant is seeking pre-arrest bail.

3 The submissions of the learned counsel for the applicant are the audit report which is formed to be a basis for registration of offence is contrary to the provisions of Section 81 of the Maharashtra Co-

operative Societies Act. According to him, a revision under section 154 of the Co-operative Societies Act, 1960 is already pending questioning the audit report and that being so a pre-mature act on the part of the complainant auditor be not considered to the detriment of the applicant. It is also sought to be canvassed that the audit was permitted for the year 2016-2017, however without any authority same was carried out for 2009-2010 till date. According to the learned counsel, there is no mis-management in the Credit Cooperative Society and the auditor has acted in a biased manner by implicating the applicant. The learned counsel then would urge that applicant being a director of Lokmangal Credit Cooperative Society which is governed by the provisions of Maharashtra Cooperative Societies Act, provisions of Maharashtra Protection of Interests of Depositors (in Financial Establishments) Act, 1999 will not be attracted. As such, it is prayed that in the event of arrest, applicant be released on bail as he is likely to be implicated in a false evidence.

4 The learned APP based on audit report and other material available on record opposed the claim. The submissions are, the

applicant was a director of Lokmangal Urban Credit Cooperative Society for a period from 15/07/2015 to 31/03/2017. The misappropriation though relegates back prior to the said period of directorship, however, the fact remains that for a period when the applicant remained as director, the misappropriation was noticed and inferred by the auditor. It is claimed that F.I.R. came to be lodged pursuant to the authorisation under section 81(3) of the Maharashtra Cooperative Societies Act. As such, rejection of prayer is sought.

5 Having appreciated the submissions, what is noticed is F.I.R. is lodged by the statutory auditor pursuant to authorisation to that effect issued by competent authority under the Maharashtra Cooperative Societies Act particularly provisions of section 81 and 82 of the Act. The officers of the Cooperative Department having noticed that audit of the Credit Cooperative was not carried out, instructed the auditor to carry out the same and the report of the auditor is found to be a basis for lodging complaint.

6 The auditor in categorical terms has noted down as could be

inferred from the available material on the record that the operation of the Credit Cooperative Society was carried out to the detriment of the interest of the account holder and depositors thereby causing substantial loss/misappropriation of the amount.

7 Though the learned counsel for the applicant is right in pointing out that the order of auditor is subject matter of challenge in Revision under section 154 of Code of Criminal Procedure, 1973, the fact remains that revision is pending for more than 6 months and wherein no interim protection was ordered. Applicants have also approached this Court seeking quashing which proceedings I am informed are still pending.

8 In the aforesaid background, what could be inferred from the available material is there is *prima facie* involvement of the applicant in serious economic offence. As such no case for grant of pre-arrest bail is made out. Application stands rejected.

[NITIN W. SAMBRE, J.]