

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

**ANTICIPATORY BAIL APPLICATION NO.1262 OF 2019**

Umesh Annasaheb Deshmukh

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.V.V. Purwant, Advocate for Applicant.
- Ms. A.A. Takalkar, APP for the State/Respondent.
- PI Vijay Puranik, Sahakarnagar Police Station, Pune, present.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 09<sup>th</sup> JULY, 2019**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No.293/19 registered with Sahakarnagar Police Station, Pune, under sections 420, 406 r/w 34 of the Indian Penal Code and 3 and 4 of the Maharashtra Protection of Interest of Depositors Act, 1999.

2. The FIR is lodged by the first informant Tukaram Aba Kadam on 13/04/2019. He has stated in his FIR that one Pratap

Ghorpade, who was the regional Manager of Dhokeshwar Multistate Urban Co-op. Society, Pune, induced the first informant and others to invest their money with his society. Pursuant to this inducement, the informant invested Rs.6,50,000/- with the said credit society.

3. It is the case in the FIR that apart from him, the other investors also invested in that credit society at the instance of Pratap Ghorpade and the present Applicant. The present Applicant was the Manager of that Credit Society at Balajinagar Branch. According to the first informant, in all Rs.19,78,382/- were invested in the credit society. Subsequently, their investment was not returned. Neither the principal amount nor any interest was paid. The first informant and others were told that an offence was registered at Lasalgaon, District Nashik against the Chairman of the society and therefore it was not possible to refund their amount. The first informant came to know that Pratap Ghorpade had purchased properties in his own name and in the name of his relatives to the tune of

Rs.1,33,00,000/-. Thus the first informant's and others' money was used for his own benefit. Based on such allegations, the FIR was lodged.

4. Heard learned Counsel Mr.V.V. Purwant for the Applicant and learned APP Ms. A.A. Takalkar for the State.
5. Mr.Purwant invited my attention to the appointment letter of the present Applicant when he was appointed as the Manager in the credit society. The terms of appointment clearly mention that the decision taken by the Board of Directors of the Credit Society was binding on him. He was appointed from 11/02/2016.
6. Mr.Purwant also invited my attention to the resolution of the Board of Directors dated 01/02/2017 in which it was mentioned that for expansion of business of society, the property at Survey No.57, Hissa No.1/2 was to be purchased and all the authority was given to Pratap Ghorpade and Dhanyakumar Mane.

7. Mr.Purwant submitted that therefore the present Applicant was bound to follow the directions issued by the Board of Directors and he could not be said to have committed any offence.
8. As against this, learned APP Ms.Takalkar submitted that the amount could be transferred for purchasing of the land only with the joint signatures of the present Applicant and the co-accused Pratap Ghorpade. Therefore according to her, the offence could not have taken place without active participation of the present Applicant.
9. I have considered submissions made by both the learned Counsel.
10. The Board Resolution dated 01/02/2017 clearly gives authority to the co-accused Pratap Ghorpade to purchase the property. It was also mentioned in the Resolution that Pratap

Ghorpade had full authority to include any name in the documents. In this view of the matter, the present Applicant had acted pursuant to the directions of the Board of Directors. It is doubtful as to whether he has committed any offence. As per terms of his contract with the credit society, he was bound to follow directions issued by the Board of Directors. In the investigation carried out so far, the investigating agency did not find anything to show that the present Applicant was a beneficiary in this transaction. In this view of the matter, the applicant has made out a case for protection of anticipatory bail. His custodial interrogation is not necessary. He can be asked to attend the police station as and when called, for the purpose of investigation. Hence, the following order :

**ORDER**

- (i) In the event of his arrest in connection with C.R.No.293/19 registered with Sahakarnagar Police Station, Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five

Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend Sahakarnagar Police Station as and when called for the purpose of investigation and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**