

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

ANTICIPATORY BAIL APPLICATION NO. 1962 OF 2019

Mr. Santosh Dnyaneshwar Barne Applicant

Versus

The State of Maharashtra Respondent

Mr. Kuldeep S. Patil, Advocate for Applicant.
Smt. A. A. Takalkar, APP for the State/Respondent.
Mr. Sandeep Salunkhe for complainant.
Mr. D. S. Shinde, API, Chaturshrungi Police Station, present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 06th SEPTEMBER, 2019**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. I 175/19 registered with Chaturshrungi Police Station, under sections 406, 409, 420, 465, 467 and 471 r/w. 34 of the Indian Penal Code.

2. The offence is registered on 21/02/2019 by one Kiran Shinde who is a lawyer by profession. He is one of the Directors of M/s. Shivshakti Co-Op. Credit Society. He has stated in his FIR

that on 27/10/2016, meeting of the Board of Directors was held and in that meeting loan was sanctioned to one Avinash Wakadkar. It is alleged in the FIR that the present applicant who was also one of the Directors was not present, even then, under the resolutions he was shown as present and shown as having seconded those resolutions. On the next meeting i.e. on 10/11/2016 the present applicant and others had approved the minutes of the meeting in respect of earlier meeting dated 27/10/2016. Thus, according to the first informant the applicant had created forged documents and hence, this FIR is lodged.

3. Heard Mr. Kuldeep S. Patil, learned counsel for the Applicant, Smt. A. A. Takalkar, learned APP for the State and Mr. Sandeep Salunkhe for complainant.

4. Learned counsel for the applicant submits that, admittedly, the applicant was not present in the meeting dated 27/10/2016 and in fact, the opening page of the minutes of that meeting shows that the applicant was shown as absent. He submitted that the applicant has not signed on any of these resolutions. He further submitted that in the next meeting the

minutes of the earlier meeting were formally approved. He submitted that, at the most, act of negligence can be attributed to the applicant but no criminal offence is made out. No loss is caused to the credit society because of these resolutions. Learned counsel for the intervener submitted that the applicant has clearly committed offence of forging the document, because he has approved the minutes of the meeting which was not held at all. He submitted that, though, minutes are prepared in respect of meeting dated 27/10/2016, in fact, no such meeting had taken place.

5. Learned APP, on instructions, has accepted that the loans were not sanctioned to any relatives of the present applicant vide these resolutions. Only allegation against the present applicant appear to be that he had approved minutes of the meeting dated 27/10/2016 on the next meeting dated 10/11/2016.

6. I have considered all these submissions. I have perused investigation papers and I have perused the minutes of meeting in question.

7. The minutes clearly show that the applicant was absent on that day, however, the resolutions No.5, 6 and 7 had mentioned his name. The resolution No.5 and 6 show that he had seconded the resolution and the resolution No.7 was supposed to have been proposed by him. There is no signature of the applicant appearing anywhere on those resolutions.

8. Though, it is clear that on the next occasion i.e. on 10/11/2016 the minutes of earlier meeting were approved, that does not show that the present applicant had by dishonest intention committed any offence. The approval of minutes of earlier meeting can definitely be an act of negligence, however, at this stage, it is difficult to observe that he had approved those minutes with dishonest intention to create forged documents.

9. In any case, Section 465 of the I.P.C. is bailable. At this stage, ingredients of other sections are not clearly made out. The allegations do not show exact nature of loss which is caused to the co-operative credit society. In any case, the applicant was not present at the meeting and, therefore, he cannot be held responsible for any resolutions passed in the meeting or shown to

have been passed under his name. In this view of the matter, custodial interrogation of the applicant is not necessary, though, he will have to attend the police station and will have to co-operate with the investigation.

10. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. I 175/19 registered with Chaturshrungi Police Station, 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 the concerned Police Station from 24/09/2019 to 26/09/2019 between 01.00 p.m. to 03.00 p.m.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)