

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

ANTICIPATORY BAIL APPLICATION NO. 2356 OF 2018

Bajirao Narayan Bhadane ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Rameshwar N. Gite for Applicant.

Smt. J. S. Lohokare, APP for Respondent – State.

Mr. P. U. Padvi, API, Vani Police Station, Nashik (Rural) present in Court.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 14, 2019.

P.C. :

. In Crime No. 171 of 2018 for an offence punishable under Sections 217, 218, 408, 409, 417, 420, 465, 468, 120-B of the Indian Penal Code and Section 146 (k)(m)(n)(o)(p)(q) of the Co-operative Societies Act, the Applicant is seeking pre-arrest bail.

2. The Applicant was working as a Bank Inspector with Nashik District Central Co-operative Bank and was appointed as an Administrator for a period from 3rd January 2012 to 31st March 2013 at Sharadraoji Pawar Nagri Sahakari Patsanstha Ltd.

3. The allegation in the complaint against the Applicant are, in Audit Report for a period from 1/4/2008 to 31/3/2009 the loss was suffered to the Bank by the then Director to the tune of Rs.4,55,59,540/-. Being Administrator, the Applicant has supported the cause of earlier Directors, not taken out proceedings for recovery of outstanding loans and renewed the loan proposals without collateral security.

4. The learned Counsel for Applicant submits that but for the limited period of his Administratorship, the involvement of the Applicant cannot be inferred as he was not incharge of the affairs of the Society for a period from 1/4/2008 to 31/3/2009. The learned Counsel further submits that the efforts made by the Applicant has resulted into recovery of amount of Rs.21,00,000/-.

5. *Per contra*, the learned APP submits that the custodial interrogation of the Applicant is necessary for finding out as to the involvement of the other co-accused whose cause was supported by the Applicant. It is also claimed that the Applicant has renewed the loan cases in which no collateral security was furnished.

6. Having considered submissions, it is borne out of the record that the misappropriation alleged against the office bearers of the Credit Society is for a period from 1/4/2008 to 31/3/2009. The Applicant was an Administrator for a period from 3rd January 2012 to 31st March 2013. As such, for a period of misappropriation the Applicant was not controlling the affairs of the Credit Society.

7. Apart from above, the allegation of renewal of loan proposals without collateral security is concerned, it is the categorical submission of the learned Counsel for Applicant that the renewal proposal was approved by the Applicant after examining the case and having noticed that there was collateral security provided in support of the loan obtained. According to him, the said decision was on the basis of the decision of the Society.

8. In the aforesaid background, having regard to the fact that the Applicant – a public servant is very much available for investigation and for the reasons recorded herein a case for grant of pre-arrest bail is made out. Hence, the following order.

ORDER

- (A) In the event of arrest in Crime No. 171 of 2018 for an offence punishable under Sections 217, 218, 408, 409, 417, 420, 465, 468, 120-B of the Indian Penal Code and Section 146 (k)(m)(n)(o)(p)(q) of the Co-operative Societies Act, the Applicant be released on executing PR Bond of Rs.25,000/- with one or more sureties in the like amount.
- (B) The Applicant shall attend the Investigating Officer on 2nd and 4th Saturday of every month between 10.00 a.m. to 12.00 noon till the investigation in the matter is over.
- (C) The Applicant shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.
9. Anticipatory Bail Application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)