

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

LDVC-CRI-ABA NO. 490/2020

Kusumtai w/o Vithalrao Akotkar .vs. State of Maharashtra, through PSO
P.S. Khaparkheda, Tq. Saoner, Dist. Nagpur.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S. G. Karmarkar, Advocate for applicant.
Mrs. M. H. Deshmukh, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 21, 2020

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

Heard Mr. Karmarkar, learned counsel for applicant and Mrs. Deshmukh, learned A.P.P. for non applicant-State and also perused the reply.

The applicant is apprehending her arrest in connection with Crime No. 301/2020, registered with Police Station, Khaparkheda, Nagpur Rural for an offence punishable under Sections 403, 409, 467, 468, 471, 477-A, 34 of the Indian Penal Code read with Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

The FIR is lodged on the basis of the audit report of Shri Santaji Urban Cooperative Credit Society Ltd. Chincholi, Khaparkheda. The audit report was for the period of 2001 to 2018. According to the prosecution case, the applicant was one of the Directors of the said society. As per the submissions of learned A.P.P., role of the present

applicant is that without following the bye-laws of the society while acting as Member, the applicant has acted in the meetings granting loan. It is however fairly submitted before the Court by the learned A.P.P. for the prosecution that there is no allegation against the present applicant that she has benefited herself monetarily. It is further pointed out by the learned A.P.P. that along with applicant, President, Vice President and Cashier of the Society are also accused in this crime. However, they are all released on ad interim anticipatory bail by this Court.

This Court, on 25.06.2020, granted ad interim anticipatory bail to the applicant on a condition that she shall attend Police Station on every Sunday. Reply filed by the prosecution would show that the applicant did not attend the Police Station on 27.06.2020. However, the reply does not show that on other dates the applicant did not attend the police station. It is quite possible that due to prevailing pandemic situation the applicant might not have attended the police station. However, that does not debar her from claiming pre-arrest bail. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No. 301/2020, registered with Police Station, Khaparkheda, Nagpur Rural for an offence punishable under Sections 403, 409, 467, 468, 471, 477-A, 34 of the Indian Penal Code read with Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, applicant-Kusumtai w/o Vithalrao Akotkar be released

on bail on she executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend Police Station, Khaparkheda once in 15 days i.e. on second and fourth Saturday of every month and shall be with the investigating officer from 10.00 a.m. to 05.00 p.m. till filing of the charge-sheet.

The application is disposed of.

The order be communicated to the counsel appearing for the parties either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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**Yogesh
Kahale**

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signed by
Yogesh
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2020.08.21
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