

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

LDVC-CRI-ABA NO. 562/2020

Sudhakar s/o Somaji Wadibhasme and Ors. .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. M. Rai, 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. Rai, learned counsel for applicants and Mrs. Deshmukh, learned A.P.P. for non applicant-State and also perused the reply.

The applicants are apprehending their 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 applicants were the Members of the said society. As per the submissions of learned A.P.P., roles of the present

applicants are that without following the bye-laws of the society while acting as Members, the applicants have 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 applicants that they have benefited themselves monetarily. It is further pointed out by the learned A.P.P. that along with applicants, 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 02.07.2020, granted ad interim anticipatory bail to the applicants on a condition that they shall attend Police Station on every Sunday. Reply filed by prosecution does not show any averment to the effect that the applicants have flouted the said condition. 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 no.1-Sudhakar s/o Somaji Wadibhasme, applicant no.2-Shrawan s/o Ramchandra Wasad, applicant no.3-Manohar s/o Shamraoji Ambone and applicant no.4-Keshavrao s/o Ishwardas Pantawane be released on bail on they executing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety each in the like amount.

(iii) The applicants 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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