

PMB

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

ANTICIPATORY BAIL APPLICATION NO.2538 OF 2019

Hanmant Ramdas Lokhande and anr. .. Applicants

vs.

The State of Maharashtra .. Respondent

Mr. Dilip Bodake for the Applicants.

Mr. N.B. Patil , APP for the State.

Mr. P.R. Umap, PSI, EOW, Satara present.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 30, 2021

P.C.

Heard learned counsel for the parties.

2. This is an application for anticipatory bail in C.R. No.105 of 2019 registered with Mhaswad Police Station, District Satara for the offences punishable under Sections 420, 409, 120(B) of the Indian Penal Code.

3. The Applicants are the Directors of the Rajeev Magasvargiya Audyogik Utpadan Sahakari Sanstha Maryadit. The members of the said Society belong to the Scheduled caste community. To encourage construction of industrial user by the Society, an amount of Rs.1 Crore was disbursed by the State Government to the said Society. Initially the said amount was disbursed in joint account in the name of the Chairman of the Society and the Social Welfare Officer. Thereafter, the said amount

was transferred to the account of the Society. It is alleged that between the period from 18.04.2013 to 15.05.2013 an amount of Rs.91,50,000/- was transferred to Nitin Construction who were entrusted the work of construction of the Industrial Unit. The project was to be completed within 52 weeks.

4. It is the contention of learned APP that though the entire amount was transferred to Nitin Construction, there has been no development activity on the said land. Learned APP submitted that as Directors of the said Society, the Applicants are liable for prosecution.

5. The record indicates that the Chairman and the Secretary of the Society were authorised signatories on behalf of the Society. There is no resolution or the minutes of the meeting produced, or the authorisation by the Directors in disbursement of the said amount to Nitin Construction. Moreover, it is not the case that any amount has been credited to the accounts of the Applicants. It is the Chairman and the Secretary who have disbursed the said amount to Nitin Construction. The cheques are signed by Chairman and Secretary. No doubt the Managing Committee had authorised the Chairman and Secretary to sign the cheques. Appropriate action has been initiated against the Managing Committee under the provisions of Section 73 of the Maharashtra Co-operative Societies, Act 1960. The Applicants are the Directors of the Managing Committee of the said Society. It does not appear prima facie from the record that the Applicants had any part in the

payment of the said amount to Nitin Construction or that the Applicants are in any manner benefited as a result of the said transfer in favour of Nitin Construction. There has been failure on the part of Nitin Construction to construct the Industrial unit. In this view of the matter, in my opinion, the custodial interrogation of the Applicants in the present case is not necessary as the disbursement has been at the behest of the Chairman and the Secretary of the said Society. Moreover, the Applicants are granted interim protection since 05.12.2019 and have attended the Investigating Officer as directed by this Court and co-operated with the investigation.

6. Hence, the following order :-

ORDER

- (i) The interim order dated 05.12.2019 granting pre-arrest bail to the Applicants is confirmed.
- (ii) In the event of the arrest of the Applicants in C.R. No.105 of 2019 registered with Mhaswad Police Station, the Applicants be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The Applicants shall report to the Investigating Officer as and when called for and co-operate with the investigation.

7. The Anticipatory Bail Application is disposed of.

(M.S.KARNIK, J.)