

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

**ANTICIPATORY BAIL APPLICATION NO.1366 OF 2021**

1. Baban Mahadu Shewale,  
2. Tukaram Rambhau Shinde,  
3. Natha Satu Shewale, &  
4. Ashwini Sandeep Shewale. .... Applicants

Versus

The State of Maharashtra .... Respondent

Ms. Sonal Parab, Advocate i/b. Rajeev Samant, for the Applicants.

Smt. J.S. Lohokare, APP for the Respondent-State.

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**CORAM : SARANG V. KOTWAL, J.**

**DATE : 14<sup>th</sup> JUNE, 2021**  
**[Through Video Conferencing]**

**P.C. :**

1. The Applicants are seeking anticipatory bail in connection with C.R.No.33/2021 registered at Kamshet Takave Police Station, District Pune on 21.2.2021 under Sections 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code.

2. Heard Ms. Sonal Parab, learned counsel for the applicants and Smt. J.S. Lohokare, learned APP for the State.

3. The FIR is lodged by one Sanjay Dhore. He was working as a Secretary of Govitri Vivid Karyakari Seva Sahakari Sanstha, Govitri, Taluka Maval, District Pune (hereinafter referred to as “the said society”). He was working as a Secretary of the said society since 10.1.2020. The FIR is basically about the meeting of the managing committee of the said society which was purportedly held on 24.12.2019. It is a case of the first informant that some of the Directors told him that this meeting never took place. In that meeting one Balasaheb Newale was given authority to represent the said society in the elections of Pune District Central Co-operative Bank. It is alleged that two members Raghunath Bhuruk and Balu Jadhav of the Managing Committee had not actually attended the meeting and yet their presence is mentioned in the proceedings book and there are signatures against their names. It is case of the prosecution that these signatures are forged. There are other allegations in the FIR about the membership of applicant No.3 Natha and other persons, namely, Prakash Gaikwad and Balu Akhade for which a

separate proceeding under the Maharashtra Co-operative Societies Act was taken. It is alleged that aforementioned Balasaheb Newale is actually controlling the affairs of the society and others have supported him. Balasaheb Newale has taken loan illegally and has used the society's money illegally.

4. Learned Counsel for the Applicants submitted that Balasaheb Newale is already arrested and charge-sheet is filed against him. The main allegations against the Applicants are in respect of the meeting dated 24.12.2019. The first informant has taken charge as the Secretary since 10.1.2020 and yet the FIR was lodged only on 21.2.2021. She submitted that the applicants have no concern with the alleged offence . The applicants have not put those signatures in the proceedings book which are disputed by the two members.

5. Learned A.P.P. opposed this application and she submitted that the applicants were acting at the behest of Balasaheb Newale and, therefore, they cannot avoid their liability.

6. I have considered these submissions. The applicants Baban Shewale and Natha Shewale are senior citizens. Applicant No.4 Ashwini Shewale is a lady. The disputed meeting had purportedly taken place in December, 2019. The FIR is lodged much belatedly on 21.2.2021. There is a political background to these allegations. In the FIR, there is no specific serious role attributed to the applicants except alleging that the committee meeting in question had never taken place meaning thereby that the resolution in the proceedings book and other records are not properly maintained. They are false. However, as rightly submitted by learned Counsel for the applicants, there is nothing to suggest at this stage that the applicants had in any manner put these signatures in the proceedings book. The applicants are supporting their resolution whereby Balasaheb Newale was appointed as representative for the election of aforementioned co-operative bank. In this view of the matter, custodial interrogation of the applicants is not necessary. Instead they can be directed to attend the police station and can be directed

to cooperate with the investigation with certain conditions.

Hence, the following order :

**ORDER**

- (i) In the event of their arrest in connection with C.R.No.33/2021 registered with Kamshet Takave Police Station, District Pune, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two sureties each in the like amount.
- (ii) The applicants shall attend the concerned police station on 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> June, 2021 between 1:00 p.m. to 5:00 p.m. and shall co-operate with the investigation. In addition, the applicants shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**