

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

ANTICIPATORY BAIL APPLICATION NO.2162 OF 2021

Bachu Gopal Thakare

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

...

Mr. Vishal A. Patil a/w Vishal R. Patil a/w Nitin V. Kadam,
Advocate for Applicant.

Mr. S.H. Yadav, A.P.P. for the State-Respondent.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 24th SEPTEMBER, 2021**

PC.

1. The applicant is seeking anticipatory bail in C.R. No.I-02 of 2021 registered with Vikramgad Police Station, Palghar for offences under Sections 420, 406, 409, 465, 467, 468, 471 120-B read with section 34 of Indian Penal Code (for short "IPC") and newly added Sections 73(1) (a)(b), 75, 76, 81(5)(b), 82, 146(p), 147(p) of the Maharashtra Co-operative Societies Act, 1960 and under Section 20 of Banking Regulation Act, 1949. The First Information Report (for short "FIR") was lodged on 07.01.2021.

2. The case of the prosecution is that complainant is the Special Auditor of Co-operative Society. He was appointed as

Statutory Auditor from 01.04.2013 to 31.03.2016 for auditing the account of Kurnjhe Adivasi Vividh Co-operative Society. Baburao Vaze was the Secretary of the Society. Dipak Araj of the Joint Secretary. The applicant was a Chairman of the society from 2007 to 2011. The statutory audit was conducted. It was observed that the Secretary of the Society Baburao Vaze was working as Secretary from 1990 to 2014. Several persons carried out day to day activities of the society. Board of Director was responsible for the distribution of loan. Baburao Vaze had distributed loan to various members without making entries in the cash book. Huge amount was misappropriated.

3. Baburao Vaze, Deepak Janardhan Araj were arrested. Both of them were in custody. Some of the accused were granted anticipatory bail.

4. Learned counsel for the applicant submitted that the applicant is not involved in misappropriation of the amount. No amount was credited to his personal account. Main accused were arrested and they have been charge-sheeted. Custodial interrogation of the applicant is not necessary. The reply filed by the prosecution before the Sessions Court indicated that investigating agency has come to the conclusion that misappropriation of fund of Rs.1,24,68,697/- was made by the accused Baburao Vaze. Five persons were granted anticipatory bail. The applicant is willing to cooperate with the investigation.

5. Learned APP submitted that offence is of serious nature. The involvement of the applicant is disclosed during the investigation. There is evidence to show his complicity. The applicant had signed the ledger book in capacity as Chairman. There is misappropriation of amount.

6. In the summary of the charge-sheet, it is mentioned that there is misappropriation of Rs.1,24,68,697/- from Baburao Vaze. Co-accused Baban Gaikwad was granted anticipatory bail by the Sessions Court vide order dated 13.03.2021. He was a Chairman of the society from November 2011 to November 2016. The prosecution had submitted while arguing his application that loans were disbursed without verifying documents. Co-accused Vaze had acted at the behest of the said accused. The order further mentions that office bearer immediately taken action on disclosure of fraud. Complaints were filed with the police. The documents pertaining to banking transactions are in custody of investigating agency. Baban Gaikwad was Director of the Society. The Secretary of the society has not deposited recovered loan. Soon after the misappropriation was transpired, action was instituted. Physical interrogation of the said accused was not necessary. Baburao Vaze is already arrested and he is in custody. All the documents are in custody of the police. In the reply dated 26.04.2021 filed by prosecution before Sessions Court it was stated that misappropriation of amount is committed by Mr.

Vaze and he has admitted it. He has given guarantee that he would deposit the amount. The guarantee bond signed by him dated 20.05.2014 has been submitted by him.

7. Considering the aforesaid circumstances, the applicant need not be subjected to custodial interrogation.

ORDER

- (i) Anticipatory Bail Application No.2162 of 2021 is allowed.
- (ii) In the event of arrest of the applicant In C.R. No.I-02 of 2021 registered with Vikramgad Police Station, the applicant be released on bail on executing PR bond in the sum of Rs.50,000/- with one or more sureties in the like amount;
- (iii) The Applicant shall appear before the Investigating Officer on 28th, 29th and 30th September, 2021 between 11.00 am to 01.00 pm and thereafter as and when call for till filing of the charge-sheet.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)