

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 1975 OF 2019**

Vijay Subhash KalateApplicant
Vs.
The State Of MaharashtraRespondent

WITH**INTERIM APPLICATION NO.578 OF 2019****IN****ANTICIPATORY BAIL APPLICATION NO. 1975 OF 2019**

Kiran Balu ShindeApplicant/Intervenor

IN THE MATTER BETWEEN-

Vijay Subhash KalateApplicant
Vs.
The State Of MaharashtraRespondent

WITH**ANTICIPATORY BAIL APPLICATION NO. 1976 OF 2019**

Narayan JareApplicant
Vs.
The State Of MaharashtraRespondent

WITH**INTERIM APPLICATION NO.579 OF 2019****IN****ANTICIPATORY BAIL APPLICATION NO. 1976 OF 2019**

Kiran Balu ShindeApplicant/Intervenor

IN THE MATTER BETWEEN-

Narayan JareApplicant
Vs.

The State Of Maharashtra

.....Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 1977 OF 2019

Avinash Balasaheb Wakadkar

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

WITH

INTERIM APPLICATION NO.580 OF 2019

IN

ANTICIPATORY BAIL APPLICATION NO. 1976 OF 2019

Kiran Balu Shinde

....Applicant/Intervenor

IN THE MATTER BETWEEN-

Avinash Balasaheb Wakadkar

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Mr. S.P. Kadam i/by Varsha Thorat for the Applicants.

Smt. M.H. Mhatre, APP for the Respondent-State.

Mr. S.S. Salunkhe for the Applicant-Intervenor.

Mr. Laxman Shivajirao Ukirde, API, Chaturrunji Police Station, Pune City.

CORAM : A. S. GADKARI, J.

DATE : 9th DECEMBER, 2021.

PC:-

Heard Mr. Kadam, learned counsel for the Applicants, Smt. Mhatre, learned APP for the Respondent-State and Mr. Salunkhe, learned Advocate for the first informant. Perused record of investigation.

2 By an Order dated 9th September, 2019, the Applicants were granted interim relief.

By a subsequent Order dated 21st August, 2021, the Applicants were directed to attend the Investigating Officer on stipulated dates and to co-operate with the process of investigation. The said directions were issued in view of the submission made by the learned counsel for the Applicants that, as a matter of fact the persons in whose favour loan amounts were disbursed, have repaid the said loan amounts and those accounts have been classified as "*Nil Loan*". Applicants accordingly attended the Investigating Officer and pointed out/produced necessary documents in support of their contention.

3 Record further indicates that, the Investigating Officer has also recorded statement of Additional Registrar, Co-operative Societies (Credit Societies) Maharashtra State, Pune. The said Authority has in fact, supported the contention of the Applicants to a large extent. It is stated that, except from few members of the said Credit Society, most of the loans advanced by the Applicants have been recovered. Police are seeking custody of the Applicants for recovery of the said loan amounts involved in the present crime.

4 It is the allegation against the Applicants that, they being the office bearers of Shivshakti Co-operative Credit Society Limited, Mumbai (Baner, Pune), by passing fictitious resolutions and on the basis of improper documents advanced substantial loan amounts. Subsequently, the concerned loanees did not repay the said loan amounts, thereby causing

monetary loss to the said Credit Society. It is alleged that, the Applicants have committed criminal breach of trust of the members of the said Credit Society, causing wrongful loss to the tune of approximately Rs.6,63,96,097/-.

5 As noted earlier, most of the loan amounts have been recovered by the said Credit Society and the said accounts have been classified as “*Nil Loan*”. The necessary and relevant documents in the present crime have been seized by the police.

The police are seeking custody of the Applicants predominantly on the ground of recovery of the said loan amounts allegedly defalcated by them. As the amounts of the said Credit Society has now been secured and/or recovered, there is no need of custodial interrogation of the Applicants for further investigation of the present crime.

6 In view of the above, Applicants can be protected by pre-arrest bail. Interim relief granted by Order dated 9th September, 2019 is confirmed.

All the Anticipatory Bail Applications are allowed in the aforesaid terms.

7 In view of disposal of the Anticipatory Bail Applications, nothing survive in Interim Application Nos.578 of 2019, 579 of 2019 and 280 of 2019 and are also accordingly disposed off.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed by
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