IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2080 OF 2019

Vilas Shravan Shinde .. Applicant
V/s.

The State of Maharashtra ..Respondent

Mr. Kuldeep Nikam for the Applicant.
Mr. Y.Y. Dabke, APP for the Respondent/State.

WITH

ANTICIPATORY BAIL APPLICATION NO. 2084 OF 2019

Sanjay Ramchandra Pandit .. Applicant
V/s.

The State of Maharashtra ..Respondent

Dr. Uday Warunjikar a/w Mr. Sumit Kate for the Applicant.
Mr. Y.Y. Dabke, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 07TH AUGUST, 2021

P.C.

1. Both these applications are taken up together for disposal inasmuch as they involve a prayer for pre-arrest bail in Crime No. 217 of 2019 of Police Station Koregaon, District Satara, under Section 406, 420, 409, 465, 467, 471 read with Section 34 of IPC.

2. The Applicant Vilas Shinde in ABA No. 2080 of 2019 at the relevant time was the Chief Executive Officer (CEO) of Divyadatta Digambar Nagri Sahakari Credit Society ('the Credit Society' for short) while the Applicant Sanjay Pandit in ABA No. 2084 of 2019 was a certified Auditor for the period from 2012-2013 to 2014-2015.

3. The allegation is that the Credit Society had sanctioned various loans during the period from 01.04.2011 to 31.03.2016, without obtaining adequate/proper security. It is alleged that the loans were distributed amongst the relatives and friends of the main accused, who are the members of the Board of Directors of the Credit Society. It is alleged that it has resulted into huge loss to the Credit Society and the investors, to the tune of more than Rs.30 crores.

4. I have heard the learned counsel for the Applicants and the learned APP.

5. It is submitted by the learned counsel for the Applicant Vilas Shinde that the Applicant was appointed as a CEO in the year 2017 and therefore, he is not responsible for the transactions of loan prior to his appointment as a CEO. It is pointed out that prior to the

registration of the present FIR, there was another FIR being Crime No. 369 of 2017 registered at the Koregaon police station in respect of similar allegations. It is pointed out that this court by an order dated 11.07.2019 in ABA No. 76 of 2018 with connected matters, has granted anticipatory bail to the Applicant Vilas Shinde in Crime No. 369 of 2017. The learned Counsel has pointed out that this Court had found that the Applicant being the CEO was not a party to the decision of sanction and distribution of the loans, and was bound by the directions of the Board of Directors. It is submitted that the Applicant has no role to play in sanctioning of the said loans.

6. The learned counsel for the Applicant Sanjay Pandit submits that Applicant was merely a certified Auditor. He pointed out that only allegation is that the Applicant had not taken note of certain transactions of mortgage loans in the Auditor Report and secondly, there was no report made to the Superior Officer under Section 81(5B) of the Maharashtra Co-operative Societies Act, 1960 for taking action against the concerned members of the Board of Directors. The learned Counsel has pointed out the communication dated 13.07.2019 addressed to the Additional Auditor (Class-I), Satara pointing out that concerned office bearers had failed to

furnish record about the mortgage loans in spite of repeated demands. He pointed out that the interim protection has been granted to the Applicants which is operating close to two years now. The Applicants have co-operated with the Investigating Agency and the custodial interrogation of the Applicant is not necessary in the circumstances.

7. The learned APP submitted that, as per the instructions from the Investigating Officer, the Applicants have not co-operated for the investigation. The learned APP submitted that huge amount is involved, which is required to be recovered. The learned APP further points out that part investigation is complete and chargesheet is already filed against accused No.1.

8. I have considered the circumstances and the submissions made. Prima facie, it appears that Applicant Vilas Shinde, was working as CEO from 2017 to 16.08.2019 while the Applicant Sanjay Pandit was working as a certified Auditor for a period of three years from 2012-2013 to 2014-15 and thus, their role would be limited. It further appears that the Applicants Vilas Shinde has been granted anticipatory bail, as noticed earlier, in the previous offence on similar allegations. It is not pointed out as to what is the

nature of the non-cooperation of the Applicants. Part investigation is complete and chargesheet is said to be filed against Accused No.1.

9. In the result, the Criminal applications are disposed of in terms of order dated 25.09.2019 subject to the condition that the Applicants shall attend the Investigating Officer as and when required and shall co-operate with the investigating agency and shall not tamper with the prosecution evidence/witnesses. In the event of breach of any of the conditions, the bail is liable to be cancelled.

C.V. BHADANG, J.