IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2226 OF 2019

Shamrao Nathu Rupnavar ..Applicant
Vs.
The State of Maharashtra ..Respondent

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.447 OF 2021

Gajanan Bhaskar Yelgaonkar ..Applicant
Vs.
The State of Maharashtra ..Respondent

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2078 OF 2019

Sweety Jitendra Gandhi ..Applicant
Vs.
The State of Maharashtra ..Respondent

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2227 OF 2019

Kamlakar Narsingharao Deshmukh ..Applicant
Vs.
The State of Maharashtra ..Respondent

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2469 OF 2019

Hanmant Nivrutti Kudale ..Applicant
Vs.
The State of Maharashtra ..Respondent

Mr.Dilip Bodake a/w Mr.Sharad Bhosale for the Applicants.

Mr.Y.Y. Dabke,APP, for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 22 NOVEMBER 2021

P.C.

. The applicants apprehending their arrest in connection with investigation of C.R.No.138 of 2019 registered with Vaduj Police Station, District-Satara under Section 420, 465, 467, 471 read with Section 34 of Indian Penal Code are seeking anticipatory bail.

2. The aforesaid offence is registered at the instance of Mr.Vishnu Balasaheb Salunkhe who is an Auditor and a Partner of M/s.Rajkishore and Associates, Pune. M/s.Rajkishore and Associates were appointed as auditors of *M/s.Chaitnya Gramin Bigar Sheti Sahakari Pat Sanstha, Vaduj,* as per resolution dated 14 September 2015 for the year 2015-16. According to Mr.Vishnu Balasaheb Salunkhe there were certain irregularities noticed in the Management and functioning of the said Credit Society which are enumerated in the FIR dated 15 May 2019. A perusal of the FIR shows that the material irregularities are in respect of the disbursement of the alleged bogus loans to creditors to the tune of

Rs.13,72,64,920/-. The FIR sets out the details of the said disbursement out of which the disbursement at Serial No.1 is dated 3 February 2006 while the rest of the loans from Serial No.2 to Serial No.31 are shown to be disbursed on 27 June 2015.

3. The learned counsel for the applicant has pointed out that the applicants who are some of the office bearers were elected on 30 September 2015 and they have taken charge on 5 December 2015 which is much after to 29 June 2015 when the disbursement of the said loans has taken place. One of the loans which is disbursed on 3 February 2006 is much prior to the election of the present applicants as office bearers/directors. The learned counsel for the applicants pointed out that the other allegations are of a general/vague nature. The learned counsel also pointed out that the authorities under the Co-operative Societies Act have exonerated the present applicants.

4. The learned Additional Public Prosecutor has submitted that the investigation is in progress. The learned Additional Public Prosecutor expressed inability to state the present status of the investigation as he could not obtain investigation from the investigating officer.

5. The record shows that interim protection was granted to the applicants in September/October 2019 and interim protection is operating since then. The learned counsel for the applicants pointed out that the applicants have attended the investigating officer and co-operated with the investigation.

6. I have carefully considered the circumstances and the submissions made. The record discloses that the investigating officer was directed to file an affidavit setting out in clear terms the role attributed to each of the applicants. Till today no such affidavit is filed on record inspite of grant of time. At least *prima facie* it appears that the disbursement of one of the loans is in the year 2006 and rest of the loans are disbursed in June 2015 and the present applicants were elected on 30 September 2015 (page 39 of the compilation) and have taken charge on 5 December 2015 (page 57 of the compilation).

7. Considering the overall circumstances the following order is passed.

ORDER

(i) In the event of their arrest in connection with investigation of C.R.No.138 of 2019 registered with Vaduj Police Station, the applicants be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.

(ii) The applicants shall attend the investigating officer as and when called and shall co-operate with the investigation.

(iii) The applicants shall not tamper with the prosecution evidence/witnesses.

(iv) Liberty to the prosecution to apply for modification, if necessary.

(v) The Criminal Applications are disposed of in the aforesaid terms.

C.V. BHADANG, J.