

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 153/2020

(Miss. Ruchira d/o Late Chandrashekhar Khedikar Vs. State of Maharashtra)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri D. V. Chauhan, Advocate for applicant
Shri M. J. Khan, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : 16.09. 2021.

Heard.

2. In anticipation of arrest in Crime No. 36/2020 for the offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors Act, 1999 (MPID Act). the applicant – lady is claiming pre-arrest protection. The offence was registered at the instance of application filed in terms of Section 156(3) of the Code of Criminal Procedure.

3. The applicant – lady was serving as a

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Branch Manager in Dhokeshwar Multi State Urban Credit Society. It was a grievance of the informant that he has deposited certain amount with the Credit Society, however it was not refunded. It is alleged that the applicant in the capacity of Branch Manager has instigated the investors to deposit the amount.

4. It reveals from the record that the applicant was resident of same village and has been appointed on temporary basis for six months preceding to the lodgement of First Information Report (FIR). The applicant has produced deposit receipt of Rs. 1,00,000/- to show that she has also invested the amount with the Credit Society. It is apparent that the functioning of Bank was under the control of Board of Directors. Several correspondence letters have been produced to show that the applicant's endeavour was to make the things smooth.

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5. The State resisted bail by filing reply-affidavit. Besides factual aspect, it is stated that the applicant is having involvement in the offence. There are total 26 investors who have deposited amount of Rs. 27, 00,000/- in the Society. By and large, the applicant is a Branch Manager of small branch having no control over the affairs and management of credit society. The applicant was on interim bail from 06.03.2020. She has handed over all necessary papers and valuable things to the Investigating Officer. Moreover, it is pointed out that a similarly situated Assistant Manager namely Miss Usha Mahadeo Sahare has been protected by this Court in Criminal Application (ABA) no. 86/2019. Custodial interrogation of the applicant is no more required. In view of that, application deserves to be allowed, hence, following order:-

(I) Application stands allowed and disposed of.

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(II) Ad-interim order dated 06.03.2020 is hereby made absolute upon same terms and conditions with a rider that applicant shall attend Investigating Agency as and when called.

JUDGE

Gohane.