

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.592 OF 2022
VISHWAJIT RAJEBHAU THOMBARE
VERSUS
THE STATE OF MAHARASHTRA**

WITH

**ANTICIPATORY BAIL APPLICATION NO.541 OF 2022
ANITA RAJABHAU THOMBARE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant in ABA/592/22 : Mr. Abhishek
Patil h/f Mr. Patil Bankar Deelip N. a/w Mr. Amardeep
Naiknaware.

Advocate for Applicant in ABA/541/22 : Mr. V.D.
Salunke (Senior Counsel) i/b Mr. M. V. Salunke
PP for Respondent-State : Mr. D. R. Kale.

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**CORAM : S. G. MEHARE, J.
DATE : 17.06.2022**

PER COURT :-

1. Heard the learned respective counsels for the applicants and learned APP for the State.
2. The complainants were depositors of Multi State Co-operative Society to which applicant Anita Thombare was the Director and applicant Vishwajit Thombare was a Branch Manager. The deposits of the complainant could not be returned in time. Therefore, the cheques

were issued. However, unfortunately as it seems due to the mismanagement of the society the cheques could not be honoured. After having gone through the allegations levelled against the applicants, there is absolutely no complaint that they have misappropriated the public money or they have no intention to return the money of the depositors. May be possible that there may be huge pendency of recovery of the loan. The Directors should have shown the promptness to recover the loan so they can refund the money to the depositors in time. Possibly due to some mismanagement in the society, the deposit could not be returned in time. In view of the admitted facts of acceptance of deposit and there is failure to repay on the due date is not the evidence of having ill intention. In the light of these admitted facts, this Court is of the view that the custodial interrogation of the applicant would served no purpose. Therefore, applications deserve to be allowed. Hence, the following order :

ORDER

- (i) The applications are allowed.
- (ii) The interim protection granted to the

applicant Anita Rajabhau Thombare by an order dated 06.05.2022 is confirmed in terms of the bail. She has already attending the Police Station as and when called and agrees to attend the Police Station, if called in future.

- (iii) In the event of arrest of the applicant Vishwajit Rajabhau Thombare, in connection with Crime No.572 of 2021, registered with Police Station Kaij, District Beed for the offence punishable under Section 420 read with Section 34 of IPC, be released on bail on executing P.B. and S.B. of Rs.30,000/- (Rupees Thirty Thousand only) with one solvent surety of the like amount on the condition that he shall attend the Police Station as and when called on written notice.

- (iv) *Humdast* allowed.

(S. G. MEHARE, J.)

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vmk/-