

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

ANTICIPATORY BAIL APPLICATION NO.651 OF 2022

Rahul S/o Prabhakar Patil ...Applicant

VERSUS

The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.652 OF 2022**

Harshal S/o Virbhan Suryawanshi @ Patil ...Applicant

VERSUS

The State of Maharashtra ...Respondent

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Mr. Ravindra S. Shinde h/f Mr. Sonawane S. Maheshkumar, Advocate
for the applicants.

Mr. V.S. Badakh, APP for the respondent-State.

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CORAM : S.G. MEHARE, J.

DATED : 05th JULY, 2022.

PER COURT:-

1. Heard learned counsel for the applicants and the learned APP for the State.
2. The applicants have a case that, they were studying outside their village at the time of the alleged incident. They were also surprised to know that they had been shown as directors of the credit society, which was not registered. A person Yogeshwar Sunil Patil, has written his suicidal note alleging that he was helping the credit society in writing the accounts. 2% interest was paid to the

depositors. However, the loan is due. The accounts of the said credit society were written under the guidance of the present applicants. The applicant Rahul got a job in January. Prior to it, he was studying in Mumbai. He is not at all aware of the so-called credit society. The applicant, Harshal, is studying engineering. Both the applicants had no business with the said credit society. Both are young. They have no antecedents to their discredit. Therefore, they may be protected. If they are arrested, it will spoil their life. They are not the beneficiary of the so-called misappropriation of the money of the depositors.

3. The learned APP pointed out that there are statements of some depositors. The applicants were shown as directors of the said credit society. The credit society was not registered. The amount worth Rs.23 lacs and more has been siphoned. The deceased Yogeshwar Sunil Patil was the Secretary of the said Credit Society, and his wife was the Chairman. The poor investors have lost the money they had; therefore, the custodial interrogation of the applicants is necessary.

4. The statement of the witnesses referred to by the learned APP would reveal that every depositor had paid the money to deceased Yogeshwar Sunil Patil. He has written a suicidal note alleging against the first informant that the business of credit society was run under his direction. He was simply an accountant. Be it as it may, the prosecution has no evidence except personal knowledge of

the investors that the present applicants were also the directors of the so-called credit society. The prosecution did not deny that both the applicants were students and studying outside the village Fagane where the alleged credit society was running the business. Both the applicants are young. The possibility of barely showing them as directors by a society which was not registered cannot be ruled out. They are young and have a good future. If they are arrested for the present crime where the depositors even did not care to have the fixed deposit receipts that may cause loss to their carrier. Considering the various aspects, certain conditions of attendance may serve the purpose. Hence, the following order :

ORDER

(A) Both Applications are allowed.

(B) In the event of arrest, the applicants, Rahul S/o Prabhakar Patil and Harshal S/o Virbhan Suryawanshi @ Patil, be released on bail on executing P.B. and S.B. of Rs.15,000/- (Fifteen Thousand) each with one solvent sureties in the like amount in Crime No.238 of 2022 registered with Dhule Taluka Police Station, Taluka and District Dhule for offences punishable under Sections 409, 420, 406, 120-B of the Indian Penal Code, Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999 and under Sections 21, 22, 23 of the Banning of Unregulated Deposit Schemes Act, 2019, on the condition that they shall attend the police station on every Sunday

(4)

from 10.07.2022 till 14.08.2022 between 11.00 am to 01.00 pm. and shall not tamper with the prosecution witnesses.

(C) The Investigating Officer shall not waste the opportunity to inquire with the applicants when they are attending the police station as directed by this Court.

(S.G. MEHARE, J.)