

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.367 OF 2022

Gautam Dilip Bafna ...Applicant

vs.

The State of Maharashtra ...Respondent

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Mr. Nitin Patil a/w. Mr. Tejas Puneekar, for the Applicant

Mr. A.A. Palkar, APP for the State.

Mr. Ashok Meshram, PI, EOW-Nashik present.

CORAM : N. J. JAMADAR, J.

DATE : JUNE 29, 2022

P.C.:

1. This is an application for pre-arrest bail in connection with C.R. No. 442 of 2021 registered with Yeola police station, Nashik for the offences punishable under sections 406, 408, 409, 420 read with 34 of Indian Penal Code, 1860 and sections 146 and 147 of the Maharashtra Co-Operative Societies Rules, 1961.

2. The applicant and the co-accused came to be arraigned for the aforesaid offences on the basis of a report lodged by Pratap Padvi, the Assistant Registrar Co-operative Societies with the allegations that there were irregularities committed by the office bearers of Late Subhashchandrajji Parakh Nagari Sahkari Patsanstha Maryadit, Yeola, in the matter of disbursement of the loans. Huge amount to the tune of Rs. 21,96,99,850/- was misappropriated. The

loans were disbursed with an oblique motive in disregard of the rules, regulations and prudent lending norms. The loans which were so advanced were not diligently recovered by the recovery officers, as well. The applicant is one of those recovery officers.

3. In the backdrop of the aforesaid nature of the allegations, by an order dated 11th February, 2022, this Court was persuaded to grant interim pre-arrest bail. It was noted that, prima facie, the allegations against the applicant were that, the applicant had not taken proper steps to recover the bad debts. It did not appear that the applicant was either involved in sanctioning or disbursing of the loans or a beneficiary of those fraudulent advances.

4. The learned counsel for the applicant submitted that the role attributed to the applicant is, at the highest, of dereliction of duty to recover bad debts. The investigation has not revealed that the applicant is either beneficiary of the fraudulent transaction or any amount has been credited to the account of the applicant for allegedly being complicit in not diligently pursuing the recovery.

5. The learned APP, on instruction, fairly submitted that the investigation has not revealed that the applicant is the beneficiary

of the fraud. Nor it has been revealed that the applicant has acquired properties out of the money which was allegedly siphoned off. In fact, the report reveals that the applicant had availed a loan of Rs. 3 lakhs and repaid the same. The statements of Rajesh Kshatriya and Ratnakar Khaire, which were pressed into service, by the learned APP, also do not contain any incriminating material to warrant custodial interrogation of the applicant necessary for effective investigation.

6. For the foregoing reasons, I am impelled to make the order of interim pre-arrest bail absolute.

Hence, the following order.

ORDER

1] The order of interim pre-arrest bail dated 11th February, 2022 is made absolute on the terms and conditions incorporated therein.

2] In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

(N. J. JAMADAR, J.)