

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1314 OF 2022

Ashok Baban Tavhare

..Applicant

Versus

State of Maharashtra & Anr.

..Respondents

Mr. Wasim N. Samlewale, for the Applicant.

Ms. P. N. Dabholkar, APP for the Respondent/State.

Mr. Satish B. Hodgar, PI, Manchar Police Station – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 13th SEPTEMBER, 2022

P.C.

1. Applicant is seeking pre-arrest bail in Crime No.294 of 2022 registered with Khed, Pune Rural Police Station for the offence punishable under Sections 406, 409, 420 of IPC and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. The prosecution case against the applicant is, complainant – Pramila was lured by applicant, who was president of Yamai Gramin Bigar Sheti Sahakari Patsanstha Maryadit (hereinafter shall be referred to as “the credit co-operative society” for the sake of brevity) to deposit the amount with an assurance of high return in the form of interest. Accordingly, the complainant alleged to have

deposited an amount of Rs.25,000/- each in her and her husband's name.

3. Against the said society liquidation proceedings were initiated under Section 102 of Maharashtra Co-operative Societies Act, 1960 for winding up during the tenure of applicant as president. Alleging that the applicant assured higher return of amount and thereafter failed to honour such commitment, an offence came to be registered.

4. Contentions of counsel for the applicant are, there is unexplained delay in lodging FIR, as the amount allegedly deposited by the complainant was sometime in the year 2003, society went in liquidation in 2011, whereas the complaint came to be lodged on 19th April, 2022. In this background, his contentions are, not only the Investigating Officer intend to victimize the applicant but also the involvement of the applicant cannot be inferred particularly when the liquidation proceedings under the Maharashtra Co-operative Societies Act are under progress. The further contentions of counsel for the applicant are, the applicant is a social worker and whistle-blower and since the applicant has raised his voice in regard to illegal activities of bootlegging, betting etc. which are not controlled by the Investigating Officer, he is involved in the present false offence. His next contentions

are, applicant was office bearer of a political party. The political opponents motivated the complainant, so also the Investigating officer to make involvement of applicant in the aforesaid false crime.

5. While countering aforesaid submissions, APP would invite attention of this Court to the very conduct of the applicant, wherein it is claimed that the offence under MPID Act is continuous one. According to her, even if the proceedings for liquidation are under process that by itself will not absolve applicant of his criminal liability. It is further claimed that the applicant directly or indirectly has tried not only to stall the liquidation proceedings but also lodge complaints time and again against the officers who are dealing with the liquidation proceedings, the Investigating Officers and the Judicial Officers. So as to substantiate the said claim, certain documents are also placed on record.

6. I have appreciated the aforesaid submissions.

7. It is not in dispute that the credit co-operative society in relation to which the complaint was lodged is under liquidation since 2011 and the said proceeding has not attained finality till this date.

8. The fact about deposit made by the complainant

and her husband and such other depositors as reflected in the investigation papers to the tune of Rs.14,44,322/- can be inferred from the record.

9. Once the applicant has not disputed his position as that of office bearer viz. president of said credit co-operative society, the provisions of MPID Act are very much attracted against him.

10. In the aforesaid background, it cannot be said that the proceedings i.e. offence came to be registered against the applicant at belated stage, particularly, when there is continuous criminal, so also civil liability against the applicant.

11. As such, the contention of counsel for applicant that the complaint is lodged at belated stage will be hardly of any consequences.

12. Apart from above, the communications which are addressed by the applicant in various forms viz. the complaint against the Investigating Officer, complaint against the ministers, the pamphlets issued by him and his family members, so also communications issuing threats for proceeding on hunger strike primarily speaks of very intention of the applicant to stall not only the investigation but also the liquidation proceedings.

13. The record of this Court speaks of the act of the applicant even writing to the judges of Bombay High Court who were dealing with the present matter.

14. In the aforesaid background, the communication addressed by the applicant during pendency of the present application in which he was enjoying protection from arrest primarily speaks of all efforts not only to stall liquidation proceedings but also investigation in the matter.

15. Merely because applicant is former office bearer of a political party, a social worker that by itself will not entitle him to claim privileges of writing letter to the judges of this Court or making complaints to the authorities in regard to the investigation carried out till this date or against the officers who are dealing with the liquidation proceedings.

16. In the aforesaid background, in my opinion, no case for grant of pre-arrest bail is made out.

17. The application as such fails, stands rejected.

18. As prayed, ad-interim protection is continued for a period of three week from today.

[NITIN W. SAMBRE, J.]