IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 1497 OF 2022

Ratnamala Arjun Bobade **...Applicant**
Vs.
State of Maharashtra **...Respondent**

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Mr. Shreyas P. Barsawade for Applicant
Mr. P.H. Gaikwad, APP for State/ Respondent

Coram : Sandeep K. Shinde, J.

Dated: 8th JUNE, 2022.

P.C. :

1. Applicant is seeking protection from arrest on being arrayed as an accused, in Crime No. 217/2019 registered with Koregaon Police Station, Dist. Satara for the offence punishable under Sections 406, 409, 420, 465, 467, 471, 120-B r/w. 34 of the Indian Penal Code, 1860.

2. The crime in question came to be registered upon a statutory audit, of 'Divya Datta Digambar Nagari Sahakari Pat Sanstha Maryadit ('Cooperative Society' for short) being conducted for the accounting period 1st April, 2011 to 31st March, 2016. In the course of audit, statutory auditor, came

across and detected gross irregularities, committed by the members of the managing committee of the said Cooperative Society. Auditor submitted report to the District Deputy Registrar, who then, directed, to register the complaint against the managing committee members of the said Society. The Auditor reported that, members of the managing committee by their acts and omissions misappropriated property of the Society worth Rs.30,78,00,000/- , more particularly, set out in the audit report. Applicant came to be arrayed as an accused, being member of the managing committee of the Society. The Trial Court declined to grant pre-arrest protection and, therefore, applicant, has approached this Court.

3. Learned counsel for the applicant, contended that the applicant has been falsely implicated in this case by the CEO of the Society. Contention is that, Applicant was/is, neither a member, nor was a committee member, of the said Society, at any point of time. Learned counsel for the Applicant submitted that CEO of the Society, has forged the signatures of the Applicant on the minutes of meetings of the managing committee. Learned counsel for the applicant would rely on the voters' list of the society to contend that applicant was/is not a member of the

Society, does not show the name of the applicant. In light of these submissions, when I inquired, whether applicant has taken action against CEO of the cooperative society, who allegedly forged the signature of the applicant, learned counsel submitted, no action has been taken till date, although this fact was within the knowledge of the applicant since 2017. In the circumstances, the submissions of the learned counsel that, applicant, was not a managing committee member of the said society, is not probable and, therefore, deserves no consideration. In fact, the statutory auditor in his report had referred to the applicant, as a member of the managing committee of the society, which fact, I cannot overlook. For these reasons, the first contention of the applicant is rejected.

4. The next contention of the applicant is, that on the identical set of allegations, in the year 2017, crime was registered against the applicant, vide Crime No. 369/2017 and in the said crime, the Hon'ble Apex Court, has granted pre-arrested protection to her. However, neither the order of the Apex Court, nor a copy of the First Information Report in Crime No. 369/2017 has been placed on record, to appreciate the arguments

of the applicant. Therefore, the second contention is also rejected.

5. The complaint is lodged on the basis of statutory audit. In these proceedings, I have no reason to disbelieve or discard or dispute the observations in the statutory report. Having regard to the facts of the case, application deserves no consideration. It is rejected.

It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(Sandeep K. Shinde, J.)