

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

ANTICIPATORY BAIL APPLICATION NO. 1737 OF 2022

Pradip S/o Subhash Katmande And Anr ...Applicanta
Versus
State Of Maharashtra ...Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 1963 OF 2022**

Dattatrya Mahadev Bhise ...Applicant
Versus
State Of Maharashtra ...Respondent

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Mr. Datta Madake i/by Mr. Onkar Wable, Advocate for the Applicants.

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

ADSP Himmat Jadhav Solapur Gramin present.

IO API Amit Shinde, EOW, Solapur Gramin present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 3rd OCTOBER, 2022

PC :

1. In compliance of order dated 23.09.2022, the Additional Superintendent of Police, Solapur has filed affidavit dated 03.10.2022. He is also present before the Court.

2. The applicant in Anticipatory Bail Application No.1737 of 2022 is apprehending arrest in connection with C.R. No. 380 of 2018 registered with Akkalkot North police station

for offences punishable under Sections 420, 406, 409 read with 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors Act, (for short "MPID"). Whereas, the applicant in bail application No. 1963 of 2022 has been arrested on 17.11.2021 and he is in custody since then.

3. The case of the prosecution is that the Members of Shubh Kalyan Multistate Co-operative Credit Society had induced the investors to invest the money in the society. The investors were duped for an amount of Rs. 7,73,950/-.

4. The contention of both the applicants is that they were employees of the sugar factory and they were shown as directors of the aforesaid Multistate Co-operative Credit Society. In the report submitted by EOW dated 07.04.2018, it was categorically indicated that applicants were working as workers in the sugar factory. The main accused Dilip Shakarrao Aapet, who is chairman of the said Co-operative Credit Society was arrested and granted bail. During the course of investigation the properties are attached and the amount is secured. Some of the accused are granted anticipatory bail. Reference is made to order dated 14.12.2021 passed by this Court in Anticipatory Bail

Application No.1197 of 2021 wherein the applicant is in bail application was granted anticipatory bail.

5. Learned APP, on instructions, did not dispute the fact that the misappropriation involved in this case is to the tune of Rs.7,73,950/- . The individual liability is not fixed. The investigation is almost completed.

6. From the aforesaid factual aspects it is apparent that the applicants were employees of the sugar factory. The misappropriated amount has been secured. The main accused Dilip Shakarrao Aapet was the chairman of the co-operative credit society. He was arrested and granted regular bail. The applicant in bail application No.1963 of 2022 is in custody for substantial period of time. Considering his role, further detention is not necessary. Custodial interrogation of the applicant in Anticipatory Bail Application No.1737 of 2022 is not necessary. Hence I pass the order:-

ORDER

- (i) Anticipatory Bail Application No. 1737 of 2022 is allowed;
- (ii) In the event of arrest of applicant Pradip Subhash Katmande and Mahadev @ Rajendra Bhimrao Thombare in

C.R. No. 380 of 2018 registered with Akkalkot North Police Station, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;

(iii) The said applicants shall appear before the Investigating Officer as and when called for till filing of charge-sheet.

(iv) Criminal Bail Application No.1963 of 2022 is allowed;

(v) The applicant Dattatray Mahadev Bhise is directed to be released on bail in connection with C.R. No. 380 of 2018 registered with Akkalkot North Police Station on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

(vi) The said applicant is permitted to furnish cash bail in the sum of Rs. 20,000/- for the period of eight weeks.

(vii) The applicants shall not tamper with the evidence.

(viii) Both the Applications stand disposed off.

(PRAKASH D. NAIK, J.)