IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2631 OF 2022

Sandeep Ganpat Hande And Anr ...Applicants
Versus
State Of Maharashtra ...Respondent

....

Mr. Aniket Nikam i/by Mr. Amit Icham, Advocate for the Applicant.

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

....

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd OCTOBER, 2022

PC :

1. The applicants are apprehending arrest in connection with C.R. No. 90 of 2019 registered with Otur Police Station, Dist. Pune for offences punishable under Sections 406,408, 409, 420, 463, 464, 465, 467, 468, 470, 471, 120(b), 477-A read with 34 of the Indian Penal Code and Sections 3 and 4 of the MPID Act.

2. The case of the prosecution is that the complainant is serving in Co-operative Department as Special Auditor. He was authorized to conduct Governments Test Audit of Mahalaxmi Gramin Bigar Sheti Sahakari Patsanstha Maryadit, Umraj No.1, Taluka Junnar, Dist-Pune for the

period of 01.04.2011 to 31.03.2017. He conducted Audit of the society and submitted the report dated 20.05.2019. While conducting the Audit he found irregularities and misappropriation of funds. Commissioner directed the complainant to file criminal case. Accordingly, the complaint was lodged against 33 persons. It is alleged that the Chairman Hanuman Hande and Vice Chairman Ramchandra Hande have misappropriated funds to the tune of Rs.30,81,55,000/- during the period from 01.04.2011 to 31.03.2017 by making false and bogus proposal in the name of members and remitting the said loan to the account of said members. Certain loans were forwarded without any security to the family members of the Chairman and the Vice Chairman. The Chief Manager of the Society, namely, Sathyavan Belote, Branch Managers Sandip Hande, Manohar Shelke, Bhagvan Hande, Ravindra Shinkote have deliberately omitted their dury and wrongly entered the credit debit balance and created false balance sheets, suppressing the true and correct financial position. Statutory Auditors Mr. Paresh K. Shah, Chaitanya Kalyankar and internal auditors - Avinash Navle and Ramdas Shirke did not perform their duties and responsibilities and submitted incorrect audit report.

3. The learned advocate for the applicant submitted that the only role attributed to the applicant is that they were working as a Branch Manager in the Co-operative Credit Society at the relevant time. No specific role has been attributed to them. The main accused are arrested and they are in custody. Several other persons had preferred application for anticipatory bail which has been allowed vide order dated 07.09.2021. Two other Managers, who were attributed similar role, were granted relief under Section 438 of Cr.P.C. by confirming interim order on 11.08.2022.

4. Learned APP submitted that investigation is almost over and charge-sheet is filed against the arrested person. From the police say which is on record and other documents which are annexed to this application. It is apparent that the applicants were working as a Branch Manager in the said co-operative credit society during the tenure as Branch Manager some forged documents were submitted made by the other person. Considering the fact that the other persons, who are similarly placed were granted anticipatory bail by this Court. Custodial interrogation of the applicants is not necessary.

ORDER

(i) Anticipatory bail Application No. 2631 of 2022 is allowed;

(ii) In the event of arrest of the applicants in C.R. No. 90 of 2019 registered with Otur Police Station, Dist. Pune the applicants be released on bail on executing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(iii) The applicants shall appear before the Investigating Officer as and when called for.

(iv) Anticipatory Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)