IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.858 OF 2022

Vijay S/o Manikrao Karande **.Vs.** State of Maharashtra, through P.S.O., P.S. Ramnagar, Godia

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

Shri P.N. Sangidwar, Advocate for the applicant.
Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.
Shri S.A. Walde, Advocate to assist the prosecution.

CORAM : ANIL S. KILOR, J.
DATED : 05/12/2022

1. Heard.

2. The applicant is seeking bail in Crime No.469 of 2021, registered with Police Station: Ram Nagar, District: Gondia, for the offences punishable under Sections 420, 409, 467, 468, 471 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (hereinafter referred to as "MPID Act").

3. In this case the allegations are that the applicant is the Director of the Santh Narhari Nagari Sahakari Pat Sanstha against which the complaint was lodged by the auditor alleging that, the said Sanstha, advanced loans in the fake names and the amount involved in such fake transactions are now exceeded to Rs. 2,62, 72,

629/- from Rs. 57,91,103/- It is alleged that the applicant is the one of the Directors.

4. The applicant has filed his say to the show cause notices issued to him relating to irregularities noticed in the audit, before registration of the offence. In every reply to such notice the applicant has stated that he was never the director of the said Sanstha or he never attended a single meeting or no TA/DA was received by him for attending such meetings.

5. Thus, the learned counsel for the applicant submits that merely the name of the applicant reflects in the record of the Sanstha as director, without his knowledge is not sufficient to say that he is involved in the alleged offence.

6. It is submitted that the brother of the applicant is the collection agent in the society who is the accused No.14 and because of him, he is indirectly involved with his brother in the affair of the society but he is not the director of the society.

7. On the other hand, Shri Sirpurkar, learned APP points out that there are signatures on the resolution passed in the meeting which were attended by the applicant. He submits that the statements of witnesses are also there who have seen the applicant in the said society.

8. Shri Walde, the learned counsel who is appearing for one of the depositors and in this case assisting the prosecution submits that the involvement of the

applicant is apparent from the record and accordingly, he submits that this Court may not grant bail to the applicant.

9. I have perused the charge-sheet and documents filed by the applicant along with pursis dated 30.09.2022.

10. From the documents filed along with pursis dated 30.09.2022 it appears that since beginning the applicant repeatedly informed the concerned authorities that he never signed any of the proceedings or he was never the director of the society and even it was never informed to him that he was made director of the society.

11. In the said backdrop, many chances were granted to the learned APP to verify the said fact. However, except certain documents namely minutes of meeting, statements of witnesses and one sale-deed which shows that the applicant has singed as witness, nothing is pointed out.

12. On considering and comparing the signatures appear on all the documents enclosed with the charge-sheet, none of the signatures matches with each other and there is a major difference in each signature. Moreover, from reply issued by the applicant in response to show cause notice issued to him about irregularities in functioning of the society, all the signatures are in Marathi which shows that the applicant makes signature in Marathi. Whereas, the document in the charge-sheet shows that all the signatures of the applicant are in English.

13. The Charge-sheet further shows that the applicant never received TA/DA for any of the meeting of the society whereas, other directors have received it.

14. There is no investigation made by the Investigating Officer, whether the signature on the documents submitted for registration of the society, were of the applicant or those were made by some third person by putting the name of the applicant.

15. Thus, considering the variation in the signatures said to be made by the applicant on the documents filed along with the charge-sheet and the fact that, he never received any TA/DA which every director is entitled for and it was accepted by the other directors, it creates doubt about the involvement of the applicant in the alleged offence as a director.

16. In addition to this, the charge-sheet has been filed and the applicant is in jail from last about seven months. In the circumstances, I am of the opinion that further custody of the applicant is not necessary. Accordingly, I pass the following order:

a) The criminal application is **allowed**.

b) It is directed that the applicant shall be released on bail in Crime No.469 of 2021, registered with Police Station: Ram Nagar, District: Gondia, for the offences punishable under Sections 420, 409, 467, 468, 471 read with

Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

c) The applicant shall attend the concerned Police Station as and when his presence is required.

d) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of** accordingly.

JUDGE

C.L.Dhakate