

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO. 280 OF 2023
WITH
ANTICIPATORY BAIL APPLICATION NO. 281 OF 2023**

Sumitrabai Narayan Gundekar

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. S.E. Shekade, Advocate for applicant
Mr. A.A. Jagatkar, A.P.P. for respondents
....

**CORAM : R.G. AVACHAT, J.
DATED : 16th MARCH, 2023**

PER COURT :

1. Both these applications, under Section 438 of Code of Criminal Procedure, are being decided by this common order since both the applications have been moved by one and the same person, although in connection with two different crimes but of similar nature. The applicant claims to have an apprehension of being arrested in connection with Crime Nos. 117 of 2018 and 212 of 2018 registered with Majalgaon Police Station, Dist. Beed for the offences punishable under Sections 420, 406, 409, 467, 468 and 120-B read with Section 34 of the Indian Penal Code ('I.P.C.') and under Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

2. Heard. Perused First Information Report ('F.I.R.') and related police papers.

3. The record indicates that the applicant was a Director of Parivartan Urban Multi-State Co-operative Credit Society, Ltd. Majalgaon. ('the Society') The allegations are that the Chairman and other office bearers of the society have misappropriated the amounts which were received as deposits. There is nothing to pay back to the depositors.

4. It is informed that except the Chairman and two others of the society, all the directors have been granted ad-interim anticipatory bail. The applicant herein is 75 years old lady. It is also informed that it is a case of misappropriation of sum of Rs.10 crores. Property worth Rs.8 crores belonging to the Chairman has been attached.

5. Considering the age of the applicant and her gender, the Court is inclined to grant her application. Learned A.P.P. would submit that forensic audit of the society is underway and if involvement of the applicant in the alleged offence is made out, the prosecution may be granted liberty to move for cancellation of bail.

6. In the factual backdrop of the case, the applicant needs to be granted anticipatory bail. Hence the following order :-

ORDER

(I) Applications are allowed with liberty for the prosecution, as prayed for.

(II) In the event of arrest of the applicant, in connection with Crime Nos. 117 of 2018 and 212 of 2018 registered with Majalgaon Police Station, Dist. Beed for the offences punishable under Sections 420, 406, 409, 467, 468 and 120-B read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999, the applicant be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.

(III) The applicant shall appear before the investigating officer, as and when required for the investigating purpose.

(IV) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD