



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

ANTICIPATORY BAIL APPLICATION NO.1660 OF 2023

GOVIND DNYANESHWAR MANDAVGANE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. U. S. Malte, Advocate for the applicants
Mr. M. K. Goyanka, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 7th DECEMBER, 2023

P.C. :-

1. Applicants apprehend arrest in connection with Crime No. 16/2017 registered with Varangaon Police Station, Tq. Bhusawal, District Jalgaon for the offences punishable under Sections 406, 420 r/w 34 of IPC and Sections 147, 70, 73, 45 of Maharashtra Co-operative Societies Act and Sections 3, 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act, 1999.

2. The sum and substance of the allegations in the first information report is that the directors of of Sahakar Chandrakant Hari Badhe Sir Urban Co-operative Credit Society Limited disbursed loans to the borrowers without ensuring the repayment thereof and obtaining adequate security. Applicant No.1 is sought to be involved in this crime in dual capacity as director well as borrower whereas the applicant No.2 is

the borrower.

3. Learned counsel for the applicants submits that another crime was registered vide CR No. 90/2010 in respect of the same society and the applicant No.1 in the capacity of director was arrested in the year 2022. It is his contention that after custodial interrogation was done, he was enlarged on regular bail. Now, Applicant No.2 is said to be borrower as well the guarantor to the amount borrowed by applicant No.1 and his custody is sought. Therefore, he is apprehending arrest in connection with Crime No. 16 of 2017. Report shows that number of borrowers are granted anticipatory bail by either by this Court or by Sessions Court.

4. Learned APP opposed the application.

5. In respect of the same society offence came to be registered vide CR No. 90 of 2010. Thereafter present crime bearing No. 16 of 2017 is registered. Application No.1 was arrested in connection with earlier crime in the year 2022. Investigating Agency thus was fully aware of the fact that another crime has been registered against him. It does not stand to any reason as to why no interrogation / investigation was conducted after seeking of custody of applicant No.1 with him about borrowing of amounts. Now in the capacity of borrowers/guarantors his custody is sought by the Investigating Agency which is not justified. Perusal of the

record indicates that number of borrowers are granted anticipatory bail by this Court as well as the Sessions Court. Having regard to similar role, there is no reason or justification to deny parity. No special circumstances are brought on record by the prosecution in order to take any different view.

6. Having regard to the facts and circumstances, applicants deserve to be protected from arrest. Hence, application stands allowed in terms of interim order dated 9th October, 2023.

(R. M. JOSHI, J.)

ssp