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DATED : 25 JANUARY 2023

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 1500 of 2020 registered at Sahakar Nagar Police Station, for the offences punishable under Sections 420, 465, 466, 467, 468, 471 r/w. 34 of Indian Penal Code and Sections 3, 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. On 14 January 2021, this Court passed the following order :

“1. The Applicant is apprehending his arrest in connection

with C.R.No.1500/2020 dated 29/10/2020 registered with Sahakar Nagar Police Station, Pune, under sections 420, 465, 466, 467, 468, 471 r/w 34 of the Indian Penal Code and under section 3 and 4 of The Maharashtra Protection of Interest of Depositors Act (in Financial Establishments) Act, 1999.

2. The FIR is lodged by one Vilas Rajaram Katkar who was the Special Auditor class-I working on the instructions of the Registrar of Co-operative Societies. The FIR is in respect of misappropriation of a huge amount and other irregularities committed in the functioning of Adarsh Nagari Sahakari Patsanstha, Dhankawadi, Pune. On instructions of his superiors, an audit was conducted by the informant and his team. At the conclusion of the audit it was reported that there was misappropriation of amount around Rs.49,09,81,758/-. In the audit report there are three allegations. First is that the loans were sanctioned in bogus accounts. Misappropriation under that head was to the tune of more than Rs.19 Crores. The second head of fraud was regarding withdrawal of amount though there was no sufficient balance in certain accounts. It was to the tune of more than Rs.18 Crores and there was transaction amounting to more than Rs.9 Crores.

3. Heard Mr.Ravindra Adsure, learned counsel for the Applicant and Mrs.J. S. Lohokare, learned APP for the State.

4. Learned counsel for the Applicant submitted that the Applicant was a Special Auditor, who had conducted the audit for the financial year 2001-2002. Learned counsel submitted that in his report the Applicant had pointed shortcomings and irregularities in the conduct of business of the said credit society. He submitted that the Applicant had done his duty diligently and he is arraigned as accused though he has not committed any offence.

5. Learned APP does not have instructions and is seeking time. Therefore at her request, the matter is adjourned. However, based on the submissions of the learned counsel for the Applicant and since the Applicant was protected by interim order in his application for anticipatory bail before the Sessions Court, today I am protecting the Applicant by way of interim order. I have passed interim orders in favour of four

other accused in this case, those are, Anticipatory Bail Application No.67 of 2021, Anticipatory Bail Application No.74 of 2021, Anticipatory Bail Application No.29 of 2021 and Anticipatory Bail Application No.58 of 2021. In this case also I am inclined to protect the Applicant till the next date.

6. Hence, the following order :

ORDER

(i) *In the event of his arrest in connection with C.R.No.1500/2020 dated 29/10/2020 registered with Sahakar Nagar Police Station, till the next date, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.*

(ii) *This order shall operate till 16/02/2021.*

(iii) *Stand over to 16/02/2021.*

(iv) *Office to tag this matter along with aforementioned Anticipatory Bail Applications.”*

5. The prosecution has already filed the charge-sheet against some of the co-accused. The present applicant who conducted the audit of said Adarsh Nagari Sahakari Patsanstha prima-facie does not appear to be beneficiary of the misappropriated amount. Considering the role attributed to the present applicant in crime in question, I am inclined to allow the present application. In the result, the following order is passed :

(i) The interim order passed by this Court dated 14 January 2021 is hereby confirmed.

(ii) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.

6. The application is disposed of.

(N.R. BORKAR, J.)