

Pradip Balkrishna Kulkarni	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

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Mr. Kuldeep Patil instructed by Mr. Arjun Pawar for the Applicant.
Mr. S.S. Hulke, APP for the State.
Sr.PI Mr. Sunil Jhavare, EOW, Pune, present.

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CORAM: N.R. BORKAR, J.

DATED : 25 JANUARY 2023

P.C. :-

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 12 February 2021, this Court passed the following order :

"1. The Applicant is apprehending his arrest in

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

2. The First Information Report (for short 'F.I.R.') 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 F.I.R. 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 of 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. Learned counsel for the applicant submitted that, he was an external auditor for the year 2007-2008, 2013-2014 and 2016-2017. He submitted that the applicant had given adverse remarks about the functioning of the society.

4. Learned APP does not have instructions and she is seeking time. Therefore, at her request, the matter is adjourned.

5. Based on the submissions made by the learned counsel for the applicant and since the applicant was protected by an interim order when his application was pending before the court of sessions, today I am protecting the applicant by way of an interim relief. The other co-accused are similarly protected. Their application numbers are as follows:

1) A.B.A. No.169 of 2021, 2) A.B.A.No.172 of 2021 and 3) A.B.A. No.195 of 2021. All these applications are

directed to be heard together.

6. Hence, the following order :

ORDER

(i) *In the event of his arrest in connection with C.R.No. 1500 of 2020, registered with Sahakar Nagar Police Station, Pune, 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) *Office to tag this matter along with aforementioned anticipatory bail applications.*

(iv) *Learned APP is directed to file an affidavit pointing out the role played by the present applicant and the nature of allegations against him.*

(v) *Stand over to 16/02/2021.”*

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 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 12 February 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.)