

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO. 197 OF 2023

(Smt. Shobha Arjun Rode ..VS.. State of Maharashtra)

WITH

CRIMINAL APPLICATION (ABA) NO. 225 OF 2023

(Subhash Mahadeorao Barbole ..VS.. State of Maharashtra)

WITH

CRIMINAL APPLICATION (ABA) NO. 226 OF 2023

(Anil Vishnukumar Daryapurkar ..VS.. State of Maharashtra)

WITH

CRIMINAL APPLICATION (ABA) NO. 228 OF 2023

(Mukund Narahariapant Lokhande ..VS.. State of Maharashtra)

WITH

CRIMINAL APPLICATION (ABA) NO. 240 OF 2023

(Subhash S/o Namdeorao Gudade ..VS.. The State of Maharashtra)

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

Court's or Judge's Order

Shri R.R. Vyas, Advocate for the applicants in ABA Nos.197/2023,
225/2023, 226/2023 and 228/2023.

Shri T.S. Deshpande, Advocate for the applicant in ABA No.240/2023

Shri I.J. Damle, APP for the State.

Shri S.P. Andhare, Advocate for Assist to Prosecutor.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- AUGUST 02, 2023.

Heard.

2. All the applicants are apprehending arrest at the hands of police in Crime No.351/2022 registered at police station Karanja, District Washim, for the offence punishable under Sections 406, 409 and 420 read with Section 34 of the Indian Penal Code, 1860 and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

3. The accusation is made against the present applicants on the basis of report lodged by the Officer attached to the Cooperative department wherein it is alleged that from 24th July, 2023 to 01st June, 2007, the directors of the society have invested the amount of depositors in Siddheshwar Sahakari Shaskiya Nimshaskiya Karmachari Sahakari Pat-Sanstha, Bhandar, Karanja without seeking prior permission of Assistant Registrar, Co-operative Societies, in terms of Section 70 of the Maharashtra Co-Operative Societies Act, 1960.

4. The responsibility of each of the Director was fixed by the Enquiry Officer. In view of that, the applicant - Smt. Shobha Arjun Rode in Criminal Application (ABA) No.197/2023 is liable to pay Rs.1,00,000/-, the applicant - Subhash Mahadeorao Barbole in Criminal Application (ABA) No.225/2023 is liable to pay Rs.1,00,000/-, the applicant - Anil Vishnukumar Daryapurkar in Criminal Application (ABA) No.226/2023 is liable to pay Rs.1,50,000/-, the applicant - Mukund Narahariapant Lokhande in Criminal Application (ABA) No.228/2023 is liable to pay Rs.2,00,000/- and the applicant - Subhash S/o Namdeorao Gudade in Criminal Application (ABA) No.240/2023 is liable to pay Rs.1,00,000/-.

5. All the applicants have already deposited the amount and the letters issued by the Officer of Enquiry Officer contending that they have deposited the amount is placed on record. This Court has considering the aspect

protected the present applicants by granting ad-interim anticipatory bail.

6. As per the contention of the applicants that now their custodial interrogation is not required as they have already deposited the amount as per the responsibility fixed against them by the Enquiry Officer. As far as the interrogation is concerned, they will abide all the conditions and will remain present as and when required for investigation purpose.

7. Said application is strongly opposed by the State on the ground that the offence alleged against the present applicants is serious in nature. They have misappropriated the public money, and therefore, the applications deserve to be rejected.

8. Having heard Shri Vyas, learned Counsel and Shri Deshpande, learned Counsel for the applicants and learned Additional Public Prosecutor for the State and learned Counsel Shri Andhare for depositors, on going through the investigation papers, there is no dispute that all these applicants have deposited the amount. The custodial interrogation of the present applicants was required to recover the said amount. Now they have deposited the amount. Therefore, their physical custody is not required. As far as the investigation regarding the commission of the crime is concerned, some conditions can be imposed. In view of that all the applications deserves to be allowed by confirming the interim

protection granted to them by various orders.

9. In view of that I proceed to pass following order:

(i) In the event of arrest, the applicants namely 1) Smt. Shobha Arjun Rode (*Criminal Application (ABA) No.197/2023*), 2) Subhash Mahadeorao Barbole (*Criminal Application (ABA) No.225/2023*) 3) Anil Vishnukumar Daryapurkar (*Criminal Application (ABA) No.226/2023*) 4) Mukund Narahariapant Lokhande (*Criminal Application (ABA) No.228/2023*) and 5) Subhash S/o Namdeorao Gudade (*Criminal Application (ABA) No.240/2023*), in Crime No.351/2022 registered at police station Karanja, District Washim, for the offence punishable under Sections 406, 409 and 420 read with Section 34 of the Indian Penal Code, 1860 and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, be released on anticipatory bail on executing PR. Bond in the sum of 25,000/- (Rs. Twenty five thousand) each with one surety each, in the like amount.

(ii) The applicants shall attend the concerned police station as and when required for the investigation purpose.

(iii) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper the prosecution evidence.

10. All the applications are disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*