



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.676 OF 2023

Ghanshyam s/o Manoj Durbude

Vs.

State of Maharashtra, Through Police Station Officer, Kardha, District Bhandara

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. K. S. Motwani, Advocate for applicant.

Mr. A. G. Mate, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/12/2023

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.341/2023, registered with Police Station, Kardha, District Bhandara for the offence punishable under Sections 406, 409, 420, 465 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of Maharashtra Protection of Interest of Depositor(In Financial Establishments) Act, 1999 (MPID Act).

2. The applicant is apprehending his arrest at the hands of Police, as crime was registered against him and other co-accused. On the basis of report lodged by Vinayak Sambhaji Pudke, who is working as Auditor and audit the accounts of various institutions including the account of Ekatmika Gramin Sahakari Pat Sanstha Maryadit, Kardha since 2019, wherein the present applicant is the Director. As per the allegation, when he

has audited the account of the said institution for the year 2019-20 and 2020-21 it reveals to him that there is a misappropriation of Rs.2,95,51,424/-. During audit report, it reveals that all the Directors, Chairman and the Secretary are responsible for the said misappropriation. On basis of said report, police have registered the crime against the present applicant and other co-accused.

3. Learned Counsel Mr. Motwani for the applicant submitted that as far as the allegation against the present applicant is concerned, no specific allegations are made. At the most, the negligence is attributed to the present applicant. He is not guilty of any monetary gain. Some of the Directors are already released on bail by the trial Court. Considering the role of the present applicant, he be protected by granting anticipatory bail

4. Said application is strongly opposed by the State on the ground that the present applicant was the Director of the said institution and under obligation to follow the rules and regulations while disbursing the loans. It revealed during investigation that the gold loans are distributed to the persons who are not members to the society and the loans are also distributed to the non-members. Public money is involved in the crime and the amount is to be recovered. In view of that, application deserves to be rejected.

5. Having heard the learned Counsel for the applicant and learned APP for the State. On perusal of the investigation papers, it reveals that some of the

directors are obtained the loan in their names and in the name of their relatives, who are not members of the society. It is shown that the gold worth of Rs.1,19,31,374/- is obtained against the loan. In fact, said gold was not found in the society. As far as present applicant is concerned, general allegation is made against him. None of the statements of the Auditors' report shows that present applicant was actively involved in the said misappropriation. The co-accused to whom the similar role is attributed are already released on anticipatory bail. Considering the allegation against the present applicant and role attributed to the present applicant can be protected by granting anticipatory bail. In view of that, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) The applicant **Ghanshyam s/o Manoj Durbude** be released on anticipatory bail in the event of his arrest in connection with Crime No.341/2023, registered with Police Station, Kardha, District Bhandara for the offence punishable under Sections 406, 409, 420, 465 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of Maharashtra Protection of Interest of Depositor(In Financial Establishments) Act, 1999 (MPID Act), on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend Police Station once in a week on Sunday between 10.00 am to 1.00 pm and shall cooperate with the investigating agency.

(iv) The applicant shall furnish his cell phone number and address with the address proof.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

(URMILA JOSHI-PHALKE, J.)