2024:BHC-AUG:6000

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.3 OF 2024

Kavita Ankush Sonavane ... Applicant

VERSUS

The State of Maharashtra
and another ... Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO.4 OF 2024

Hirabai Changdev Channe ... Applicant

VERSUS

The State of Maharashtra
and another ... Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO.5 OF 2024

Bhagyashree Karbhari Nikam ... Applicant

VERSUS

The State of Maharashtra
and another ... Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO.2111 OF 2023

Jubedabi Babu Shah ... Applicant

VERSUS

The State of Maharashtra
and another ... Respondents

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Mr. K.J. Suryavanshi, Advocate for Applicant in ABA/3/2024, ABA/4/2024 and ABA/5/2024
Mr. P.D. Jarare, Advocte for Applicant in ABA/2111/2023
Mr. A.R. Kale, APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No. 674 of 2023, registered with CIDCO Police Station, Aurangabad for offences punishable under sections 406, 408, 409, 420, 465, 468, 471, 120-B read with section 34 of the Indian Penal Code and under sections 3 and 4 Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act.

2. FIR is lodged by Mahesh Jagannathrao Kadam, Chartered Accountant and Panel Auditor of Co-operative Societies stating that he conducted Audit of Yashaswini Mahila Swayamshayata Gatachi Sahakari Patsansta Maryadit, Aurangabad, for financial year 2022-2023, during the period 25.06.2023 to 31.06.2023 and submitted the audit report dated 04.09.2023 with District Deputy Registrar, Co-operative Societies, Aurangabad. In the audit, he found that the loans were indiscriminately granted in violation of by-laws and rules and false documents were prepared while obtaining and releasing loans and there is misappropriation of Rs.28,81,85,036/- and Rs. 19,00,56,282/-, total Rs.47,82,41,318/-. All the Directors are responsible for responsible for the same.

3. Heard learned advocates for applicants and learned APP for respondents-State. Perused the investigation papers.

4. From the investigation papers, *prima facie,* it appears that, Chairman, his wife and his close relatives have committed the offence. Participation of applicant as alleged that, applicants are signatory to some of the resolutions, by which loans were sanctioned. That itself is not sufficient at this stage to jump to a conclusion that applicants are involved in the offence. Investigation papers, *prima facie*, indicate that applicants being Directors are implicated in the present crime, however, their role in the alleged offence is not *prima facie* revealed in the investigation.

5. Charge-sheet is filed in the present case alleging misappropriation of Rs.38,05,62,891/- against 16 accused persons out of them, as per charge-sheet, accused nos.1 Savita Devidas Adhane, accused no.2 Devidas Sakharam Adhane, Accused No.3 Manisha Kailas Ambhore and accused no.15 Ganesh Nanasaheb Shinde are arrested. Accused Nos. 4, 6, 7 to 16, are absconding and charge-sheet is filed against them under section 299 of the Code of Criminal Procedure. Investigation to the extent of applicants appears to be almost complete.

6. In view of filing of charge-sheet and considering the gender of applicants, their pre-trial custodial detention is not necessary as nothing is to be recovered from them.

7. Applications are therefore allowed by confirming interim protection granted to applicants by order dated 06.02.2024.

[NITIN B. SURYAWANSHI]
JUDGE