IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

958 ANTICIPATORY BAIL APPLICATION NO. 690 OF 2024

Chetan Nagrajbaba Kapate @ Sudarshan Maharaj
..APPLICANT

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police
..RESPONDENTS

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Advocate for Applicant : Mr.S.P. Katneshwarkar
APP for Respondent/State: Mr.P.K. Lakhotiya

…

CORAM : **SHIVKUMAR DIGE, J.**
DATE : 25th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.740 of 2023 registered with Police Station Sangamner City, for the offences punishable under sections 420, 408, 409, 465, 467, 468, 471, 477-A read with 34 of the Indian Penal Code (For short, "IPC") and section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. It is prosecution's case that the Manager, Chairman and borrowers of Dudhganga Nagari Sahakari Patsanstha have misappropriated the amount kept in the Patsanstha. It is alleged that co-accused cheated the depositors and investors. It is alleged that loans were sanctioned illegally, rebates were extended to the

Chairman, Manager and Chief Accountant illegally. Withdrawals were made by making bogus signatures. The allegations against the applicant are that certain amount was distributed to some persons through the account of the applicant and the applicant had opened saving account of the society in his personal name and in which number of transactions have been done.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The police has completed the investigation and charge-sheet has been filed against the co-accused. In the charge-sheet no allegations are levelled against the applicant. The learned counsel further submitted that the bank account opened in the name of the applicant was operated by co-accused Manager and Chairman of the said Patsanstha. The custodial interrogation of the applicant is not required, hence requested to allow the application.

4. It is contention of the learned APP that the bank account was opened in the name of the applicant in the said Patsanstha. Many transactions have been done from his account. The amount is withdrawn from his account. It shows his involvement in the crime, hence requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and charge-sheet.

6. In the charge-sheet, it is mentioned that no KYC was given by

the applicant in respect of his bank account nor any application was filed. It appears from the record that the amounts are withdrawn from the bank account of the applicant through vouchers without the signatures of the applicant. It shows that those amounts were not withdrawn by the applicant. It appears from the record that the applicant had made application to the police authority to take action against the Manager as he had withdrawn the amount from his bank account without his signature and those amounts were transferred in his bank account without his consent. Considering these facts as well as investigation is completed and charge-sheet is filed, custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant in connection with FIR No.740 of 2023 registered with Police Station Sangamner City, for the offences punishable under sections 420, 408, 409, 465, 467, 468, 471, 477-A read with 34 of the Indian Penal Code and section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

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