



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 581 OF 2023

Maroti S/o Baburao Mirge

... Applicant

VERSUS

The State Of Maharashtra
And Another

... Respondents

.....
Mr. S.S. Thombre, Advocate for the Applicant
Mr. N.B. Patil, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 31st JANUARY, 2024

ORDER :

1. The applicant apprehends arrest in connection with Crime No.111 of 2023 registered with Mukundwadi Police Station, Aurangabad for offences punishable under sections 420, 419, 409, 406, 465, 466, 467, 468, 470 471 and 201 of the Indian Penal Code.

2. FIR is lodged by the Auditor, who has conducted audit of Shri Gangamai Credit Society, wherein irregularities were found in maintaining accounts, conducting false and bogus transactions and misappropriation of huge amount of money from the Credit Society.

3. Heard learned advocate for applicant and learned APP for respondents – State. Perused the investigation papers.

4. Applicant was working as a Manager in the said *Pat Sanstha* from 2008 to 2017. Allegations against applicant is that five loans were illegally sanctioned by applicant without obtaining sanction from Board of Directors and without obtaining proper security. He has illegally disbursed the loans and did not take effective steps for recovery of the said loan amounts. Therefore, an amount of Rs.10,60,268/- was misappropriated by applicant and including interest of Rs. 9,28,971/-, applicant has misappropriated an amount of Rs.19,89,239/-.

5. Applicant has deposited a sum of Rs.10,00,000/- with the concerned credit society towards full and final settlement. Investigation papers reveal that out of five illegal loans, four loans were sanctioned by the Board of Directos of the said credit society. Therefore, only on loan of Rs.20,000/- was illegally sanctioned and disbursed by applicant on 09.10.2014 to one Jijabai Bajirao Wagh. Total amount of Rs.19,000/- is shown due in the said loan account as on 31.03.2021.

6. Applicant undertakes to deposit the said amount with the *Pat Sanstha* within two weeks from today.

7. *Prima facie*, it appears that there is irregularity in sanctioning the loan amount and its recovery. Investigation in the present crime is over, and charge-sheet is filed on 21.09.2023. Relevant documents are already seized by investigating agency. Applicant was protected and he has co-operated in the investigation. In that view of the matter, pre-trial custodial detention of applicant is not necessary.

8. In the result, application is allowed by confirming interim protection granted to applicant by order dated 19.04.2023.

10. Applicant shall deposit an amount of Rs.19,000/- with *Pat Sanstha* within two weeks from today.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane