2024:BHC-AUG:2260

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 601 OF 2023

Gajanan S/o Ramchandra Thale … Applicant

VERSUS

The State Of Maharashtra
And Another … Respondents

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

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[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 in the said credit society as a Clerk from 2015 to 29.06.2019. His duty was to prepare proposals, place them before the Board of Directors for approval and to implement the directions of Board of Directors and to keep day to day accounts. It is alleged that applicant has illegally disbursed six loans to the members of the said credit society, total amounting to Rs.11,30,000/-. The said loans were not sanctioned by the Board of Directors and loans were disbursed in cash. Applicant has deposited an amount of Rs.4,50,000/- with credit society. Therefore, as on 31.03.2021, principle amount of Rs.12,01,848/- is due. It is further alleged that temporary misappropriation of Rs.21,81,484/- is committed by applicant.

5. Investigation papers reveal that, out of six loans illegally sanctioned and disbursed by applicant, three loans are sanctioned by the Board of Directors and three loans are illegally disbursed by applicant. As on today, in the said three loans total amount of Rs.1,24,922/- is due in the said loan accounts including interest 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 03.05.2023.

9. Applicant shall deposit an amount of Rs.1,24,922/- with *Pat Sanstha* within two weeks from today.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane