IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1440 OF 2024

Sandip Shankar Patil @ Sandip Ashok Patil
VERSUS
The State Of Maharashtra And Another

WITH
ANTICIPATORY BAIL APPLICATION NO. 1661 OF 2024

Mangala Supadu More
VERSUS
The State Of Maharashtra And Another

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- Mr. R. T. Kotali, Advocate for the Applicants
- Ms. M. N. Ghanekar, APP for the Respondent/State
- Mr. C. B. Chaudhari, Advocate for the Informant

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CORAM : R.M. JOSHI, J
DATE : DECEMBER 17, 2024

PER COURT :

1. Mr. Chaudhari, learned Counsel, causes appearance on behalf of Informant and seeks leave to assist APP.

2. Having regard to the nature of offence, leave granted.

3. Applicants apprehend arrest in connection with with C.R. No. 400/2024 registered with Dhule Taluka Police Station, Dist. Dhule for the offences punishable

under Sections 420, 409, 406, 120-B of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

4. First informant filed an application under Section 156(3) of the Code of Criminal Procedure before the Sessions Court, Dhule seeking directions for registration of the crime against Respondents which include present Applicants. It is the case of the Informant that Applicant – Mangala is Director of Shri Mauli Multi State Credit Co-operative Society Limited and Applicant – Sandip is agent thereof. There is allegation that Applicants conducted various seminars etc. wherein the respected citizens so also politicians and the authorities used to be invited. It is alleged that by doing so the investors were impressed and lured to deposit money with credit society. There is allegation that other than regular deposits, the Informant has deposited sum of Rs. 2 lacs in fixed deposit which was due and payable on 02.04.2020. He was expecting to receive Rs. 2,56,000/- at the time of maturity of the said deposit. It was also assured that

he would be given 2 tola gold coin, however, in fact an amount equivalent to 1 tola gold coin was paid. It is also stated therein that under the said scheme the investors were assured that they will be taken to tour of Balaji, however, only few persons were taken and Informant was not taken. It is stated that in January, 2022 an offence came to be registered against Chairman of the Society and was arrested. Thereafter, the application was moved before the Sessions Court for seeking registration of the crime.

5. Learned Counsel for the Applicants submits that Applicant – Sandip is not the agent of the said Society but is serving with police force. It is further submitted that Applicant – Mangala is not the Director of the said Society but she was agent and in fact she is also victim of the crime as through her son she has invested money in the Society which is not returned to her. It is thus his contention that in absence of any evidence against these Applicants showing their involvement in crime, their custodial interrogation is not necessary. He has drawn attention of the Court to the proceedings filed by the Informant before the

Consumer Forum wherein initially present Applicants were made party, however, subsequently a pursis was filed and the complaint was withdrawn against them.

6. Learned APP and learned Counsel for Informant have opposed the grant of anticipatory bail to the Applicants on the ground that the Credit Society has duped number of investors. It is their contention that owing to the amount involved in the misappropriation, this is not a fit case for granting pre-arrest bail. Learned Counsel for the Informant submitted that the Informant has filed complaint against the Advocate who was appearing on his behalf before the Consumer Forum. Thus, it is his contention that he has not filed pursis before the Consumer Forum, Dhule. A specific query was made to him as to whether the Informant has withdrawn the said pursis before the Consumer Forum. The response thereto is in negative.

7. There is allegation that Applicant – Sandip is the agent and Applicant – Mangala is the Director of the Society. There is however absolutely no evidence on record to indicate so except for one invitation wherein her name is mentioned as Director. Merely because, her

name is mentioned in the invitation as Director, she cannot become a Director of the Society registered under the Cooperative Societies Act. Apart from this, perusal of the investigation papers indicates that there is no evidence in order to show that the Applicants are even recipients of the crime money/ Applicant – Mangala was paid the commission while acting as agent and, therefore, she cannot be said to be party to the crime. In order to bring the Applicant – Mangala within the purview of Section 3 of the MPID Act, there has to be some *prima facie* evidence to indicate that she is also participating in the affairs/business of the Society and received yields of crime. In absence of any such evidence, there is no reason for rejecting applications. Applicants have no criminal history. They are not likely to abscond.

8. Having regard to the aforestated facts, Applications are allowed by confirming interim orders dated 03.09.2024 & 07.10.2024.

9. Pending application, if any, stands disposed of.

(R.M. JOSHI, J.)