

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2036 OF 2023

Anil Balaso Jadhav

Age : About 48 Years, Occu. : Agri.

Residing at : Goleswar, Tal. : Karad,

District : Satara.

...Applicant

vs.

The State of Maharashtra

(At the instance of Karad City Police

Station, District : Satara).

...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2001 OF 2023**

Shashikant Vasant Pawar

Age : About 50 Years, Occu. : Agri.

Residing at : Goleswar, Tal. : Karad,

District : Satara.

...Applicant

vs.

The State of Maharashtra

(At the instance of Karad City Police

Station, District : Satara).

...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 3332 OF 2023**

Satish Baban Desai

Age : About 46 Years, Occu. : Certified Auditor,

Residing at : Thorat Mala, Malkapur, Karad,

Taluka : Karad, District : Satara.

...Applicant

vs.

The State of Maharashtra
(At the instance of Karad City Police
Station, District : Satara).

...Respondent

Mr.Ganesh Bhujbal:-	Advocate for Applicants.
Mr.A.S.Gawai:-	APP for Respondent–State.
Mr.R.S.Pawar-PSI:-	Karad City Police Station.

CORAM : S. M. MODAK, J.

DATE : 11th JULY 2024

P. C. :-

1. Heard learned Advocate Shri.Bhujbal for all the Applicants and learned APP. The Officer is present.
2. It is true that on 20th July 2023, this Court (Coram : S.M.Modak, J.) has granted an anticipatory bail in Anticipatory Bail Application No.1960 of 2023 and adjourned hearing of Anticipatory Bail Application Nos.2001 of 2023 and 2036 of 2023. When the ABA No.2036 of 2023 and ABA No.2001 of 2023 have kept for hearing before this Court (Coram : N.J.Jamadar, J.), learned APP sought time to make a statement about the exact amount of the fraud on the basis

of Forensic Audit Report. Even on 17th October 2023, similar time was sought.

3. Thereafter, one more Application bearing ABA No.3332 of 2023 was filed. In all these 3 Applications, this Court (Coram : Sarang V. Kotwal, J.) has granted an interim protection on 5th January 2024.

4. Today, learned APP has pointed out to me a copy of letter dated 30th December 2023 written by Shree Goleswar Vividh Karyakari Sahakari Society Ltd., to the Assistant Police Inspector of Karad City Police Station requesting him to do the relevant audit. Yet, it is not done and learned APP submitted that in turn, they have written a letter to the Deputy Registrar, Co-operative Housing Societies for appointment of the Auditor. But, up till now, no Auditor is appointed.

5. The Officer present submitted that they are pursuing with the Office, however, the services of Auditor are not spared. Learned APP sought some directions from this Court. Whereas, Mr.Bhujbal invited my attention to the letter on Page No.166 of ABA No.2001 of 2023. It is written by the Deputy Registrar, Co-operative Societies to the Chairman, Shree Goleswar Vividh Karyakari Sahakari Society Ltd. Dated 30th January 2023. There is a direction to conduct an Electronic

Data Processing Audit (“**EDPA**”). In fact, this letter was written on the basis of the report of Auditor. The date of said report is 19th January 2023. The contention is, neither such audit is done nor the conduct of the Auditor to lodge the FIR on 14th February 2023 on this background is justified.

6. What I gather is, for ascertaining the quantum of misappropriation, the manner and persons responsible, this EDP Audit is demanded. Unless and until it is done, it will be difficult even for the Police to take further action. So, at this juncture, the interim protection can be confirmed. So also, direction can be given to the Deputy Registrar. At the same time, the Police can be granted liberty to proceed further on the basis of fresh Audit Report. Hence, order:-

ORDER

- (i) The interim protection granted on 5th January 2024 is confirmed.
- (ii) The Applicants to cooperate the investigation and attend the Police Station on 29th July 2024 from 10.00 to 12.00 noon and thereafter, as and when called.
- (iii) Let the Police can bring it to the notice of the Deputy Registrar that this Court is compelled to confirm the interim protection as fresh Audit is not done.

- (iv) Let the Deputy Registrar, Co-operative Societies to act accordingly.
 - (v) If, after the fresh Audit, Police comes to the conclusion about quantum of misappropriation and the Accused involved, they are at liberty to proceed further only after giving 72 hours notice to the Applicants.
 - (vi) In that eventuality, the Applicants are at liberty to approach the District Court.
7. In view of that, all the Applications are disposed of.
8. Pending Interim Applications, if any, also stand disposed of.

[S. M. MODAK, J.]