

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

Anticipatory Bail Application No.616 of 2020

1. Rajendra Kisan Netke
Age 52 Years, Occ-Business
R/o-Netke Nagar, Vikas Nagar, Kivale,
Tal.-Haveli, Dist.Pune.
 2. Dilip Genubhau Kalate
Age-508 Years, Occ-Agriculture
R/o-Wakad, Wakad Chauk,
Tal.-Mulshi, Dist.-Pune.
 3. Machindra Baban Jambhulkar
Age 53 Years, Occ-Agriculture
R/o-Jambhulkar Vasti,
Naer Ajay Washing Centre, Wakad,
Tal.-Mulshi, Dist.-Pune
 4. Sharad Parshuram Borhade
Age-53 Years, Occ-Agriculture
R/o-Borhade Wadi, Moshi,
Tal.-Mulshi, Dist.-Pune.
 5. Mrs.Shubhangi Savalaram Wankhede
Age-55 Years, Occ-Social Worker
R/0-Sunil Niwas, Vikas Nagar,
Tal.-Haveli, Dist.-Pune
 6. Sanjay Pandurang Kalate
Age-39 Years, Occ-Business
R/o-Wakad, Tal.-Mulshi, Dist.-Pune
- ... Applicants.

Versus

The State of Maharashtra ... Respondent.

Mr Ashok Mundargi, Sr.Advocate a/w Mr Sandeep S. Salunkhe for applicants.

Ms Shilpa Talhar, APP for State.

Coram : R. N. Laddha, J.

Date : 21 March 2024.

P.C. :

Heard Mr Ashok Mundargi, the learned Senior Counsel for the applicants and Ms Shilpa Talhar, the learned Additional Public Prosecutor for the State.

2. This is an application for pre-arrest bail filed by the applicants, apprehending arrest in CR No.381 of 2017, registered with Chaturshrungi Police Station, Pune, for the offences punishable u/s 406, 408, 420 r/w 34 of Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act.

3. The Shivshakti Cooperative Credit Society Limited is registered under the provisions of the Maharashtra Cooperative Societies Act. The applicants No.1 to 5 are former Directors of the said Society while applicant No.6 is its

former President. A complaint lodged by one Mr Sanjay Patil led to the registration of an offence bearing CR No.381 of 2017 against the applicants, punishable under Sections 406, 408 r/w 34 of IPC, at Chaturshringi Police Station, Pune. The complainant alleged that an audit of the Society revealed a misappropriation of Rs.6,64,20,392/-. During the period from 29.01.2015 to 17.05.2016, withdrawals totalling Rs.3,45,80,000/- occurred, with the signature of applicant No.6 and Mr Pol.

4. The applicants initially sought anticipatory bail application before the Additional Sessions Judge, Pune. On 01.08.2017, the learned Judge granted interim protection to the applicants. However, their anticipatory bail application was subsequently dismissed for default on 10.01.2020. After that the applicants filed Criminal Bail Application No.178 of 2020 in this Court, challenging the order dated 10.01.2020, passed by the learned Additional Sessions Judge, Pune. This court by an order dated 22.01.2020, quashed and set aside the earlier order, restoring the application to the file, continuing the interim protection granted on 01.08.2017, until a decision of the application. The learned Sessions Judge, however, on 04.03.2020 rejected the anticipatory bail

application.

5. On perusal of the documents placed on record, it appears that the offence took place in 2017. One of the accused involved in this crime has already been enlarged on bail by the learned trial Court. The audit report for the Society pertain to the period 2015-2016. The applicants have been under interim protection for over four years. Furthermore, the learned APP, based on instructions, has informed the court that the investigating agency will file the charge sheet within a couple of weeks. This clearly suggests that the arrest of the applicants in connection with the crime is not necessary. Hence the order.

ORDER

- (i) In the event of arrest, the Applicants No.(1) Rajendra Kisan Netke; (2) Dilip Genubhau Kalate; (3) Machindra Baban Jambhulkar; (4) Sharad Parshuram Borhade; (5) Mrs. Shubhangi Savalaram Wankhede; and (6) Sanjay Pandurang Kalate shall be released on bail in C.R.No.381 of 2017, registered with Chaturshringi Police Station, Pune, on executing a P.R. Bond to the extent of Rs.1,00,000/- (Rupees One Lakh only) each and furnishing one or more sureties of the

like amount;

- (ii) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper with the prosecution evidence;
 - (iii) The applicants shall co-operate with the investigation and attend the police station, as and when required by the investigating officer, and to co-operate with the trial court for the expeditious disposal of the case;
 - (iv) The applicants shall furnish the details of their residential addresses, along with mobile numbers, to the concerned investigating officer, and the learned trial court.
6. The application is allowed in the aforesaid terms.

[R. N. Laddha, J.]