

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

ANTICIPATORY BAIL APPLICATION NO. 1069 OF 2024

Bhagwan Balwant Shinde	..Applicant
Versus	
The State of Maharashtra	..Respondent

**WITH
INTERIM APPLICATION (ST) NO. 9838 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 1069 OF 2024**

Mr. Drupad S. Patil a/w. Srushti S. Chalke for Applicant.
Smt. M. H. Mhatre, APP for State/Respondent.
Mr. Sachin K. Hande for Intervenor.

**CORAM :- SARANG V. KOTWAL, J.
DATE :- 2 MAY 2024**

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.150 of 2024 registered at Vadgaon Police Station, Kolhapur, on 14.03.2024, under Sections 420 and 408 of the Indian Penal Code.

2. Heard Mr. Drupad Patil, learned counsel for the applicant, Smt. Mhatre, learned APP for the State and Mr. Sachin

Hande, learned counsel for the Intervenor.

3. The F.I.R. is lodged by the Auditor Bhagwan Jadhav. He has carried out the Audit in respect of Vinayraoji Kore Gramin Sahakari Patsanstha Maryadit, Nilewadi, Taluka Hatkanangale, District Kolhapur, for the year 2022-2023. He had conducted the audit for the period from 01.04.2022 to 31.03.2023. The allegations in the F.I.R. are that the applicant had shown certain amount as 'cash in hand', but that amount was not found. Thus, he had misappropriated that amount. The second allegation is that, some of the loan accounts were shown still alive, though, the borrowers had repaid the entire loan amount. Thus, the balance installments which were wrongly shown as due and payable were, in fact, misappropriated by the present applicant. Another allegation is that, in the record it was shown that loan of Rs.11,60,000/- was given to a Milk Co-operative Society, but actually that society had not taken any loan from the applicant's society. Thus, in all he had committed misappropriation to the tune of Rs.86,41,193.55ps.

4. Learned APP has filed Affidavit-in-reply. She opposed grant of relief in this application.

5. Learned counsel for the Chairman of the society who has filed intervention application, opposed grant of relief in this application.

6. Learned counsel for the applicant submitted that the applicant has resigned from the said society on 10.02.2023. Under the provisions of the Maharashtra Co-Operative Societies Act, the Deputy District Registrar is required to verify the audit report submitted to him and has to satisfy himself about the shortcomings in respect of that particular society. That step is yet to be taken and instead this F.I.R., without taking into consideration explanation of the present applicant, is lodged against him. He submitted that the applicant is in a position to explain each and every circumstance alleged against him. According to him, the amount which is shown to be missing from the cash in hand column, is actually the amount mentioned in the transfer kird and not in the Roj-kird. This is the basic mistake committed by the auditor. As far as the allegations of

keeping the loan accounts alive are concerned, that was an arrangement between the borrowers and the society to adjust their fixed deposits towards repayment of the loan. He submitted that, none of the borrowers had made any complaint in respect of this fact. Therefore, even that allegation is not correct. As far as, loan given to the Milk society is concerned, the Chairman of the applicant's society was the Chairman of that society, as well. There was a letter sent by him in the previous year showing that the loan was actually disbursed in favour of that society. All these factors can be easily pointed out by the applicant, if he is given an opportunity to explain it before the investigating agency. Therefore, today I am inclined to protect the applicant by way of ad-interim relief; with directions to attend the concerned police station and to co-operate with the investigation.

7. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No.150 of 2024 registered at Vadgaon Police Station, Kolhapur, till the next date, the Applicant

is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- ii) This order shall operate till 27/06/2024.
- iii) The Applicant shall attend the concerned Police Station from 13/05/2024 to 16/05/2024 between 1.00p.m. to 5.00p.m. and thereafter as and when called and shall cooperate with the investigation.
- iv) Stand over to 27/06/2024.

(SARANG V. KOTWAL, J.)