IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2025 OF 2024
WITH
ANTICIPATORY BAIL APPLICATION NO. 2026 OF 2024
WITH
ANTICIPATORY BAIL APPLICATION NO. 2027 OF 2024

Tatyasaheb Kore Warana Kamgar Vikas Mandal,
Through Manager and others ... Applicants
vs.
The State of Maharashtra ... Respondent

Mr. Nitin Gaware Patil a/w. Mr. Shantanu Kolhe for applicants in all applications.

Mr. Aditya S. Raktade a/w. Ms. Aarti P. Shah for first informant/complainant in all applications.

Mr. Mayur S. Sonawane, APP for respondent-State in ABA/2025/2024.

Ms. Megha S. Bajoria, APP for respondent-State in ABA/2026/2024.

Mr. Kiran C. Shinde, APP for respondent-State in ABA/2027/2024.

Mr. Kailas Kodag, API, Kodoli Police Station, District Kolhapur.

CORAM : MANISH PITALE, J.
DATE : 06th AUGUST, 2024

P.C. :

. These three applications are moved by the accused persons in three FIRs registered as a consequence of applications filed by the complainants/informants under Section 156(3) of Criminal Procedure Code, 1973 before the competent Magistrate.

2. The grievance of the informants is that they have deposited specific amounts with the applicant No.1-co-operative credit society, which were to be returned with interest. But, when the deposits matured, the co-operative credit society and its office bearers refused to repay the deposits with agreed interest, giving rise to the offences registered against them in these FIRs pertaining to Sections 420 and 406 read with Section 34 of the Indian Penal Code, 1860 alongwith Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

3. The learned counsel for the applicants in these three applications is pressing for relief on the ground that the FIRs could not have been registered, because inspite of the report called from the investigating officer not being received, the FIR stood registered against all the accused persons. Report was specifically called as to which of the alleged accused persons were responsible in the present case. Attention of this Court was also invited to an order passed by another Sessions Judge, wherein relief was granted to the applicants on the ground of such defect in registration of FIR.

4. Apart from this, it was submitted on behalf of the applicants that the amounts were more in the nature of deductions made during the course of service of the informants and other aggrieved persons, which are in the process of being repaid to the aggrieved persons. It is also brought to the notice of this Court that in October and November 2022, the aggrieved persons moved the District Consumer Forum with identical grievance, wherein the applicant No.1-co-operative credit society has filed its reply and the dispute is pending. On this basis, it is submitted that this Court may consider granting interim relief to the applicant.

5. On the other hand, the learned APPs appearing in these applications submitted that there is material on record to show that the deposit receipts were issued on behalf of the applicants with maturity dates specified therein. Upon the dates of maturity, such deposit receipts were even renewed but thereafter, when the amounts were due for repayment, the applicants refused to repay, giving rise to the aforesaid offences. It is submitted that the deposit receipts and other relevant papers are presently forming part of chargesheet in a matter, which is similar to the present case, wherein the investigation is completed.

6. The learned counsel having instructions to appear for the first informant in these applications submitted that if time is granted, all such relevant documents, including copies of deposit receipts, can be placed on record. It is further submitted on instructions that the applicants had approached the informants for settling the matter and that the applicants had indicated that grievance of the informants could be settled in about two weeks time.

7. Considering the material on record and submissions made on behalf of the parties, this Court finds that the applicants are the office bearers of applicant No.1-co-operative credit society. There appears to be a dispute as to the nature of the amounts that were deposited by the informants and other aggrieved persons with the applicant No.1-co-operative credit society. It is a matter of record that the informants and other aggrieved persons had already approached the District Consumer Forum in October/November 2022 and thereafter, grievance regarding offences committed by the applicants were raised in April 2023. Eventually, it led to proceedings before the Magistrate and registration of FIRs.

8. This Court is of the opinion that in such a situation, the applicants, who are office bearers of the co-operative credit society, have made out a *prima facie* case in their favour for interim relief, for the reason that the police taking them into custody would not lead to any kind of fruitful solution in the matter. This is particularly in the backdrop of the fact brought to the notice of this Court that the applicants are indeed making efforts to settle the dispute with the informants and other similarly situated persons.

9. In this backdrop, this Court is inclined to grant interim relief to the applicants in these applications, while the learned APPs and the learned counsel for the informants can place on record their affidavits/documents.

10. In view of the above, there shall be interim relief in the following terms:

(a) Till the next date, in the event the applicants are arrested in connection with FIR No.0170 of 2024, FIR No.0171 of 2024 and FIR No.0172 of 2024, all dated 01.06.2024 registered at Kodoli Police Station, District Kolhapur, they shall be released on bail on furnishing PR Bonds of ₹ 25,000/- each and one or two sureties in the like amount to the satisfaction of the trial court;

(b) the applicants shall appear before the investigating officer on 08.08.2024 between 10:00 a.m. and 12:00 noon and thereafter as and when required by the investigating officer;

(c) the applicants shall not influence the informant, witness or any person concerned with the case and they shall not tamper with the evidence.

11. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

12. The informants are at liberty to file intervention applications alongwith relevant documents within three weeks from today. The learned APPs may also place on record their say within the aforesaid period of time.

13. List the applications for further consideration on 09.09.2024, High on Board.

(MANISH PITALE, J)

Priya Kambli