

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2836 OF 2024

Nitin Ramchandra Chinchkar ... Applicant
Vs.
State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.2838 OF 2024

Dattatraya Raghunath Shinde ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Vaibhav R. Gaikwad for Applicant in both the Applications.
Mr. Prasanna P. Malshe, APP for Respondent-State in ABA/2836/2024.
Ms. R. V. Newton, APP for Respondent-State in ABA/2838/2024.
Mr. Nilesh S. Tare, API, Karad City Police Station.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 23, 2024

P.C. :

. Heard learned counsel for the applicants and the learned APP for the respondent-State.

2. The applicants, in the present case, are apprehending arrest in connection with FIR No.0585 of 2024 dated 15.04.2024 registered with Karad City Police Station, District - Satara, for offences under Sections 406 408, 420, 465, 467, 471 read with Section 34 and 120-B of the Indian Penal Code, 1860 (IPC) as also under Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999 (MPID Act).

3. There are a number of accused persons in the present case as the allegation of the informant is that the accused persons are responsible for causing loss to a credit co-operative society with which they are

associated for disbursing huge loan amounts to individuals without insisting upon proper security. The first informant is the special auditor of the credit co-operative society.

4. The learned counsel for the applicants submits that the applicant in Anticipatory Bail Application No.2836 of 2024 was working as accountant and applicant in Anticipatory Bail Application No.2838 of 2024 was working as a mere clerk in the credit co-operative society. Being employees, they hardly had any say in the policy adopted by the credit co-operative society while disbursing loans. In that light, it is submitted that this Court may consider granting protection to the applicants as they undertake to co-operate with the investigation.

5. On the other hand, learned APPs have submitted that the applicants have been named by certain witnesses whose statements were recorded during the course of investigation, indicating that they were also involved in the aforesaid activities of the credit co-operative society. It is submitted that Section 120-B of the IPC is also invoked in the present case, and therefore, this Court may not show any indulgence to the applicants.

6. This Court is of the opinion that the question as to who is to be granted loan is a matter within the domain of the executive body of the credit co-operative society and based on policy decisions that may be taken by the executive body.

7. *Prima facie*, the applicants, being accountant and clerk of the credit co-operative society, cannot be said to be involved in or influencing the aforesaid policy of the credit co-operative society. In such a situation, they have made out a case for granting interim relief.

8. In view of the above, in the meanwhile, there shall be interim

order in the following terms:-

- A. Till the next date, in the event the applicants - Nitin Ramchandra Chinchkar and Dattatraya Raghunath Shinde are arrested in connection with FIR No.0585 of 2024 dated 15.04.2024 registered with Karad City Police Station, District - Satara, they shall be released on bail on furnishing PR Bond of Rs.25,000/- each with one or two sureties each in the like amount;
 - B. The applicants shall remain present before the investigating officer on 25.10.2024 and 28.10.2024 between 10:00 a.m. and 12 noon and thereafter as and when required by the investigating officer;
 - C. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.
9. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.
10. List for further consideration on 02.12.2024, H.O.B.

(MANISH PITALE, J.)

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