IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2896 OF 2024

Santosh Badrinarayan Mundada ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Amey Deshpande a/w Ms.Vandana Bait and Mr. Harsh Nishar for the Applicant.
Ms. Rutuja A. Ambekar, APP for Respondent-State.

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CORAM: MANISH PITALE, J.
DATE : 25th OCTOBER 2024

P.C. :

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

2. The applicant is seeking anticipatory bail as he apprehends arrest in connection with FIR No. 0281 of 2024 dated 1st September 2024 registered at Bhadrakali Police Station, Dist. Nashik, for offences under Sections 406, 409 and 420 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The applicant is not specifically named in the FIR, as the same is registered against a Credit Cooperative Society. The applicant was arraigned as an accused subsequently. But, the statement of the informant leading to registration of the FIR does show that specific allegations have been made against the applicant

as being a person, who was the consultant of the Credit Cooperative Society, at the Nashik branch. It is alleged that he was present in the branch when a pamphlet was given to the informant, whereby he was induced into making investments with the Credit Cooperative Society. It is claimed that although, initially certain amounts towards interest were deposited in the account of the applicant, such deposits were not continued and when a grievance in that regard was raised by the informant, proper explanation was not forthcoming and it was realized that the applicant had cheated.

4. The learned counsel for the applicant submits that the applicant is neither the director nor office bearer of the Credit Cooperative Society. He was merely a consultant. He is not even a beneficiary and that his own mother had deposited an amount of Rs.5 lakhs with the Credit Cooperative Society, thereby showing that his family member has also suffered loss. In support of the said submission, photocopy of a fixed deposit receipt of Rs.5 lakhs issued in the name of the mother of the applicant is tendered and the same is taken on record and marked as ‘X’.

5. The learned APP opposed the prayer made in the present application and it is submitted that the role of the applicant is evident from the statement of the informant. It is submitted that the present case involves a huge scam, wherein a number of victims suffered at the hands of the accused persons.

6. It is further stated that none of the accused persons are found at their addresses and the Credit Cooperative Society itself appears to have shut down.

7. During the course of arguments, attention of this Court was invited to order dated 13th August 2024 passed at the Aurangabad Bench of this Court, concerning similar allegations against the Credit Cooperative Society, pertaining to branches at Parli-Vaijnath and Latur. It is submitted that consultants like the applicant herein, were granted relief of anticipatory bail by this Court in the aforesaid proceedings.

8. This Court is inclined to grant interim relief to the applicant, while keeping the application pending, not only for the reason that the aforesaid order passed by the Aurangabad Bench of the High Court, *prima facie* indicates that similarly situated persons were granted relief of anticipatory bail. The further reasons why this Court is inclined to grant interim relief are that the applicant is admittedly neither the director nor an office bearer of the Credit Cooperative Society. The allegations in the statement of the informant indicate that he was associated with the Credit Cooperative Society as a consultant. There is also presently nothing to show that he was a beneficiary of the said scam and it is relevant to note that the mother of the applicant herself deposited an amount of Rs.5 lakhs with the Credit Cooperative Society and it appears that even she has lost the said amount in the context of the aforesaid scam. The applicant has undertaken to cooperate

with the investigation.

9. In view of the above, the following interim order is passed :

(a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0281 of 2024 dated 1st September 2024 registered at Bhadrakali Police Station, Dist. Nashik, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 28th and 29th October 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

10. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

11. List this application for further consideration on 26th November 2024 (High on Board).

MANISH PITALE, J.

BIPIN DHARMENDER PRITHIANI Digitally signed by BIPIN DHARMENDER PRITHIANI Date: 2024.10.25 17:38:30 +0530