



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION (ABA) NO. 502 OF 2024

Ashvini Deepak Patode and Ors.

Vs.

State of Maharashtra, Thru. PSO, PS Warora, District – Chandrapur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Yash Kutlarwar, Advocate for applicant.
Ms. Trupti Udeshi, APP for non-applicant/State.

CORAM : SMT. URMILA JOSHI PHALKE, J.

DATE : 08.08.2024

Apprehending the arrest at the hands of police, in connection with Crime No.474/2024 registered with Police Station Warora, District – Chandrapur, for the offence punishable under Sections 406, 409, 420, 120-B of the Indian Penal Code and Section 3 of the Maharashtra Protection of the Interest of the Depositors Act, 1999, the applicants approached to this Court for grant of pre-arrest bail.

2. Learned counsel for the applicant submitted that the applicants are the Directors of Siddhi Vinayak Nagari Sahakari Pat Sanstha

Maryadit, Warora and the accusation against the present applicant is on the basis of report lodged by the Administrative Officer, alleging that the Additional Registrar has appointed the complainant to audit and supervise the transaction of said Pat Sanstha. The applicants are the office bearers of the said co-operative society, and as per the allegation, due to the illegality and irregularities, repayment to the investors was not made, and thereby the amount of Rs.92,36,192/- was misappropriated. On the basis of the said report, the police have registered the crime against the present applicants. He further submitted that as far as the present applicants are concerned, they are neither the Secretary nor the President of the said Co-operative Society, and they are not signatories of any of the documents. Merely because they are the office bearers of the said society, they are arraigned as an accused in the alleged offence. As far as the custodial interrogation is concerned, which is not required. In view of that, they be protected by granting anticipatory bail.

3. Learned APP for the State strongly opposed the said application on the ground that the applicants, who are the Directors and the amount of the investors is not repaid by the Directors and the

President and the other officer bearers of the said society and the investors are duped. There is misappropriation of Rs.92,36,192/-. Thus, the public money is misused by the present applicants and the other officer bearers. In view of that, the application deserves to be rejected.

4. After hearing the learned counsel for the applicant and learned APP for the State, perused the investigation papers, from which it reveals that on the basis of the audit report, the crime was registered. On perusal of the audit report, it reveals that the incriminating documents are filed by the President, Vice-President and Secretary and the Manager of the said Co-operative Society. As far as the present applicants are concerned, they are not the signatories and there is no material collected during the investigation to show that they have received any monetary benefits by the said misappropriation. Thus, considering the role attributed to the present applicants, their custodial interrogation is not required, in view of that, the ad-interim protection granted to the present applicants by order dated 05.07.2024 deserves to be confirmed on the similar terms and conditions. The applicant shall attend the concerned Police Station once in a

week on Monday between 10:00 a.m. to 01:00 p.m. till filing of the charge-sheet and shall co-operate with the investigating agency. The other conditions imposed shall remain as it is.

5. The criminal application is disposed of accordingly.

(SMT. URMILA JOSHI PHALKE, J)