



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

CRIMINAL APPLICATION (ABA) NO. 804 OF 2024

Satish s/o Bhagwandas Gupta Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Aakash A. Gupta, counsel for applicant.

Ms. Kavita Bhondge, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/12/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.394/2024 registered with Police Station Khamgaon, District Buldhana for the offences punishable under Sections 420, 451, 471, 467, 474, 468 read with Section 34 of the Indian Penal Code 1860, the applicant approached this Court for grant of pre-arrest bail.

2. Learned counsel for the applicant submitted that, as per the allegations, the complainant was acquainted with the co-accused i.e. Kalpana Ajay Khakare and Ajay Babarao Khakare. These two accused, who went in the Chikhali Urban Cooperative Bank Limited, and obtained signatures of the complainant and other persons on some papers. It was also assured to them that they are not concerned with any loan obtained by the said co-accused, and subsequently they received the notices from the Joint Registrars Cooperative Societies Office. From which it reveals that the proceedings under Section

101 of the Maharashtra Cooperative Societies Act, 1960 is initiated against them, and thereafter they came to know that some loan papers are prepared in their names and the amount was misappropriated. As far as the present applicant is concerned, he is arraigned as an accused merely because he is the Chairman of the said Bank. He further submitted that the entire allegation in the FIR is against the other co-accused. As far as the present applicant is concerned, it is not the case of the prosecution that either there was a conspiracy by the present applicant or, in his presence, some documents were prepared or the signatures were obtained. It is between the co-accused and the informant, and the present applicant is not at all concerned with the same.

3. Learned APP strongly opposed the said application and submitted that, being the Chairman of the said bank, the applicant is responsible for the entire transaction, which took place in his back. In view of that, the application deserves to be rejected.

4. After hearing both sides and on perusal of the investigation papers, admittedly the allegation against the present applicant is that, being he is the Chairman he is responsible for the entire transaction entered by the co-accused. Except this statement, no other material is collected during the investigation to show his involvement either in the forgery or in a misappropriation of the amount. From the investigation papers, it shows that it was

the co-accused to whom the present applicant took the informant in the trial and obtained his signatures therefore, the allegation of forgery is also not against the present applicant. Considering the role attributed to the present applicant, admittedly his custodial interrogation is not required. As far as his specimen handwriting is concerned, which can be taken care of by imposing certain conditions on the present applicant. Accordingly, I proceed to pass the following order.

- a] Criminal application is allowed.
- b] In the event of his arrest, the applicant Satish s/o Bhagwandas Gupta, in connection with Crime No.394/2024 registered with Police Station Khamgaon, District Buldhana for the offences punishable under Sections 420, 451, 471, 467, 474, 468 read with Section 34 of the Indian Penal Code 1860, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the office of Economic Offence Wing, Buldhana on every Sunday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- d] The applicant shall also provide his specimen signature or specimen handwriting whatever

the investigating officer needs for the investigation purpose and shall cooperate with the investigating agency.

- e] The applicant shall not induce, threat or promise any witnesses for acquaintance who are acquainted with the facts of the present case.

[URMILA JOSHI-PHALKE, J.]