



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.663 OF 2024

(Sau. Manisha w/o Vivek Bapat Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. A. Mardikar, Senior Advocate a/b Mr. V.R. Deshpande, Advocate
for the applicant.
Mrs. M.A. Barabde, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- SEPTEMBER 19, 2024.

2. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.375/2024 registered with Police Station Malkapur City, District Buldhana for the offence punishable under Sections 406, 409, 420, 120-B, 201 read with Section 34 of the Indian Penal Code and Section 146 of the Maharashtra Co-operative Societies Act, 1960 and Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999.

3. The applicant is apprehending the arrest at the hands of the police as crime is registered on the basis of report lodged by Aruna Manoj Vyavahare on an allegation that during the audit report, it revealed that there is a misappropriation of Rs.10,13,47,850/- in the Unnati Mahila Urban Co-operative Credit Society ('the Society'). During the audit report, it further revealed that the Manager of the said Society have interpolated in the

record of the Society and committed the misappropriation and the applicant and the other Directors have not paid any heed towards it due to which loss is caused to the investors as well as the public money. On the basis of said report, the Police have registered the crime against the present applicant.

4. Learned Senior Counsel for the applicant has submitted that as far as the applicant is concerned, she is a Director of the said society. The audit report also nowhere discloses any role attributed to her. At the most, it can be said that, being a director, she has not paid any heed to the transactions entered by the co-accused. As far as her custodial interrogation is concerned which is not required as entire documents are with the investigating agency. Now, Administrator is also appointed. In view of that, she be protected by granting ad-interim anticipatory bail.

5. Learned APP strongly opposed the said application and submitted that the involvement of the present applicant is in an economic offence. Considering the same, at this stage, no case is made out for grant of ad-interim protection and prays for rejection of the application.

6. I have heard learned Senior for the applicant and learned APP for the State. Perused the audit report

from which it reveals that the entire allegations as far as the misappropriation is concerned is against the Manager of the Society. As far as present applicant is concerned it is only alleged that being a Director she has not made any heed towards the transactions which entered by the co-accused and thereby caused the loss to the investors as well as to the public money. Considering the role attributed to the present applicant and considering the entire investigation revolves around the documentary evidence, immediate custodial interrogation of the applicant is not required. In view of that, the prayer for grant of ad-interim protection deserves to be allowed. Accordingly, I proceed to pass the following order :

(i) Issue notice to the non-applicants, returnable after two weeks.

(ii) Learned APP waives notice for the State.

(iii) In the event of the arrest, the applicant Sau. Manisha w/o Vivek Bapat in connection with Crime No.375/2024 registered with Police Station Malkapur City, District Buldhana for the offence punishable under Sections 406, 409, 420, 120-B, 201 read with Section 34 of the Indian Penal Code and Section 146 of the Maharashtra Co-operative Societies Act, 1960 and Section 3 of the Maharashtra Protection of Interest of

Depositors Act, 1999, be released on anticipatory bail on executing PR. bond in the sum of Rs.25,000/- with one surety in the like amount.

(iv) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.

(v) The applicant shall not induce, threat or promise any witnesses in any manner who are acquainted with the facts of the case.

(URMILA JOSHI-PHALKE, J.)

**Divya*