



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 ANTICIPATORY BAIL APPLICATION NO. 1439 OF 2024

SUNIL NARAYAN BHONGAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondents 1 & 2 : Mr. R.S. Wani
...

WITH
ANTICIPATORY BAIL APPLICATION NO. 616 OF 2024

MANGAL BHAUSAHEB SABLE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mr. Chatterji Joydeep
APP for Respondents/State : Mr. R.S. Wani
...

WITH
ANTICIPATORY BAIL APPLICATION NO. 618 OF 2024

PRATIBHATAI SANJAY PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mr. Chatterji Joydeep
APP for Respondents/State : Mr. R.S. Wani
...

WITH
ANTICIPATORY BAIL APPLICATION NO. 657 OF 2024

SHARADRAO LAXMAN NIMSE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondents 1 & 2 : Mr. R.S. Wani
Advocate for assisting APP : Mr. Y.V. Kakade
...

WITH
ANTICIPATORY BAIL APPLICATION NO. 658 OF 2024

VASANT KRISHNARAO ZAWARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondents 1 & 2 : Mr. R.S. Wani

...
WITH
ANTICIPATORY BAIL APPLICATION NO. 1287 OF 2024

SUREKHA SANDIP SANGALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Wakale Vijay Shivaji
APP for Respondents/State: Mr. R.S.Wani

...
WITH
CRIMINAL APPLICATION NO. 4670 OF 2024
IN ABA/658/2024

KUMAR BHAUSAHEB WAKHAR AND ANOTHER
VERSUS
VASANT KRISHNARAO ZAWARE AND OTHERS

...
Advocate for Applicant : Mr. Kasar Rajendra Sudam

...
CORAM : ARUN R. PEDNEKER, J.
Dated : January 28, 2025

PER COURT :-

1. The applications filed for assisting APP are allowed. Mr. R.S. Kasar and Mr. Y.V. Kakade, learned advocates are allowed to assist the APP. The said applications are allowed and disposed of.
2. Heard learned counsel for the applicants, the learned APP for respondents-State and Mr. R.S. Kasar and Mr. Y.V. Kakade, learned advocates assisting APP.
3. The applicants are apprehending arrest in connection with Crime No. 245/2024 dated 6.3.2024 registered with Rahuri Police Station, Tq. Rahuri, District Ahmednagar for the offences punishable under sections 409, 420, 465, 477-A r/w. 34 of I.P.C. and under section 3 of the Maharashtra Depositors (Protection of Interests in Financial Institutions) Act, 1999.

4. It is undisputed fact that the F.I.R. is lodged on the basis of audit report. It is also not in dispute that the audit report was challenged before the Assistant Registrar, Cooperative Societies and the Assistant Registrar has set aside the audit report. The same is also confirmed by the order of Divisional Jt. Registrar in R.A. No. 55/2024. As of now, the audit report is set aside and the F.I.R. is based purely upon the allegations made in the audit report.

5. The learned counsel for the complainant submits that the complainant has challenged the orders passed by Divisional Joint Registrar, Nashik before this Court and the same is pending for consideration.

6. The learned counsel for the applicants have also placed on record three orders dated 17.12.2024 passed by the Additional Sessions Judge, Ahmednagar whereby the Sessions Court has granted anticipatory bail to the three co-accused, who were directors.

7. Considering the orders passed by the Sessions Court, granting anticipatory bail to the other co-accused, who were directors, so also the fact that the audit report itself is set aside, I deem it appropriate to confirm the interim relief granted in favour of the applicants.

8. In view of the above, the applications are allowed and the interim protection granted earlier by this Court in favour of the applicants is confirmed on the following terms :

i] The applicants shall attend the police station as and when required.

ii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

9. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

10. It is clarified that the observations made in this order are limited to the disposal of the present anticipatory bail applications only and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The applications stands disposed of.

12. In the event the order passed by the Divisional Joint Registrar, Nasik confirming the order of lower authority is set aside by this Court, the complainant is at liberty to take steps in accordance with law.

(ARUN R. PEDNEKER, J.)

ssc/