



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

965 ANTICIPATORY BAIL APPLICATION NO. 1741 OF 2024

POPAT BOLHAJI DHAWALE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. R. N. Dhorde, Senior Advocate

a/w. Mr. Sanjay S. Dudhane i/b. Mr. Vikram R. Dhorde

APP for Respondent/State: Mr. S. P. Sonpawale

Advocate for Assist to PP :

Mr. Ajinkya Kale h/f. Talekar & Associates

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CORAM : ARUN R. PEDNEKER, J.

DATE : 03.04.2025

P.C. :

1] Heard.

2] The applicant is apprehending arrest in connection with Crime No.245/2024, dated 03.04.2024, registered at Parner Police Station, District Ahmednagar, for the offences punishable under Sections 409, 420, 468, 471, 477-A read with Section 34 of the Indian Penal Code, 1860 & Section 39 of the Maharashtra Money Lending Regulation Act, 2014.

3] This court by order dated 21.10.2024 granted interim protection to the applicant noticing submissions and reasons at paragraphs no.3, 4 and 5, as under:

“3. Learned Senior Advocate appearing for the Applicant has drawn attention of the Court to the fact that there is no direct allegation against present Applicant that he is involved in any money lending transaction. He further submit that the Assistant Registrar, Cooperative Society had passed order dated 09.01.2024. It his submission that the FIR has been lodged at the instance of the same authority. According to him, order dated 09.01.2024 was challenged in an Appeal before the Divisional Joint Registrar and by order dated 27.05.2024 the order passed by the Assistant Registrar is set aside. He further submits that there is document on record to indicate that the agreement to sell was executed between Applicant and intervenor/victim. He also drew attention of the Court to the order passed by the learned Additional Sessions Judge granting anticipatory bail to Pacharne against whom there is allegation of misuse of the signature of the victim. He, therefore, seeks interim anticipatory bail.

4. Learned Counsel appearing for Victim/Intervenor opposed the grant of any relief with the submission that the amount of Rs. 6 crores is involved in this crime. He has also pointed out document on record (page 169) which according to him indicates that Rs. 65 lacs was transferred by the Applicant to CEO of the Bank. It is his submission that there is prima facie evidence to show involvement of the Applicant in this crime. He also submits that the order dated 27.05.2024 passed by the Divisional Joint Registrar is challenged before this Court by filing Writ Petition.

5. At this stage, undisputedly, there is no direct relation of the present Applicant in respect of money lending transaction between victim and

Pacharne. Though victim is claiming misuse of his signature by Pacharne, the said person is granted anticipatory bail by the Sessions Court. Document on record that is agreement to sell dated 26.05.2023 has not been taken exception to by the victim before any competent Civil Court till date. Admittedly, there is no stay to the order dated 27.05.2024 passed by the Divisional Joint Registrar.”

4] Mr. R. N. Dhorde, learned Senior Advocate for the applicant submits that the order dated 09.01.2024 passed by the Assistant Registrar, Cooperative Societies, Parner directing lodging of the FIR, is set aside by the appellate authority i.e. Divisional Joint Registrar, Cooperative Societies, Nashik Division, Nashik by order dated 27.05.2024. He further submits that, in the interregnum before the order dated 09.01.2024 was set aside in pursuance of the order passed by the Assistant Registrar, Cooperative Societies, Parner, by order dated 27.05.2024, the FIR is lodged.

5] This court by order dated 21.10.2024 granted interim protection to the applicant. So also, considering that the order on the basis of which the FIR is lodged is set aside by the concerned appellate authority, interim protection granted earlier by this court can be confirmed.

6] In view of the above, the interim protection granted by order dated 21.10.2024 stands confirmed, on the following terms:

i] The applicant shall attend the police station as and when required by the Investigating Officer.

ii] 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.

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

7] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

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

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE