IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2014 OF 2024

Ganesh s/o. Vidyadharrao Dhond,
Age : 62 years, Occu. Service,
R/o. Ambewes, Parali, Tq. Parali,
Dist. Beed,
At present Pushpaprabha, Sawarkar Nagar,
Hingoli, Tq. and Dist. Hingoli. … Applicant

Versus

State of Maharashtra,
Through Investigation Officer,
Hingoli City Police Station,
Hingoli, Tq. and Dist. Hingoli. … Respondent

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Mr. Sushant V. Dixit, Advocate for the Applicant.
Mr. S. B. Narwade, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 03.02.2025
Pronounced on : 05.02.2025

ORDER :

1. This is a regular bail application on account of arrest of applicant in crime no. 0934 of 2023 registered at Hingoli City Police Station, District Hingoli for offences under Sections 420, 408, 409, 120-B, 465, 467, 468, 471 of IPC and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 [M.P.I.D. Act].

2. In support of relief, learned counsel pointed out that applicant is behind bars since almost one year. That, he was merely working as a manager of a credit society. He was not qualified or authorized to grant or sanction loans. That, it was prerogative of Board of Directors. That, he also pointed to the FIR and would submit that present applicant had already brought to the notice of informant about various documents taken by Chairman, Secretary for verification and the same are not made available in the credit society. Learned counsel pointed out that there was regular audit every year, but no irregularity was noticed at any point of time. That, however, same auditor conducted special audit and thereafter allegedly noticed irregularities in grant of loans without seeking sufficient surety. He pointed out that, present applicant is not beneficiary. He was neither sanctioning authority nor disbursing authority.

3. Learned counsel further pointed out that merely because certain Board of Directors and Chairman are also accused, provisions under M.P.I.D. Act are invoked. That, only allegation against present applicant is that he colluded with other co-accused, but learned counsel took this Court through the by-laws wherein powers of Board of Directors and Executive Committee are spelt out, more particularly

Clause no. 18. He further pointed out that now investigation is already over. That, entire investigation pertains to documentary evidence. There is no recovery or discovery from applicant's side and as there are no immediate prospects of matter going for trial, he seeks relief of bail.

4. Above application is strongly opposed by learned APP who pointed out that present applicant is found to be involved with Directors, Board of Directors. That, being Manager, he was expected to verify and scrutinize entitlement of loan and also expected to secure the loan, but he deliberately failed in his duties. Learned APP further pointed out that during investigation, it was revealed that he was in possession of over 503 bonds standing in various names and the same are used for various term loans, including gold loans. That, investigation revealed that loans are sanctioned even in the name of persons who had never applied for loan. That, applicant has also indulged in destroying documents. According to learned APP, this is economic fraud which is viewed as serious one as it affects investors, societies, hard earned money of investors as well as financial institutions. He lastly submitted that in this case, investigation is still not complete and rather it is still going on.

5. Heard. Perused the papers. FIR seems to be at the instance of one Sanjay Sitaram Jaju, who is Chartered Accountant and he has reported that he conducted audit of Kulswamini Mahila Urban Co-operative Credit Society Limited, Hingoli for a period from 01.04.2021 to 31.03.2023 and noticed several irregularities and misappropriations of investments by way of fixed deposits, monthly deposits, re-investment deposits and monthly recurring deposits. That, there was assurance of repayment of returns by giving 10% to 13% rate of interest and believing such assurance, informant claims that over 4810 investors invested over ten crore sixty eight lakh and some amount. It is further revealed that Directors, Board of Directors have disbursed huge loans to their near and dear ones by flouting procedures. As regards to present applicant is concerned, he is also named in the capacity of Manager and made accused no.14. Learned APP has pointed out that applicant was found in possession of over 500 bond papers and statement of bond vendor to that extent is said to be recorded.

6. Therefore, considering the above nature of allegations, when there is huge economic fraud by indulging in financial irregularities, and taking the statement across the bar made by learned APP that

investigation is not complete, this Court is not inclined to grant relief at this stage. Hence, I proceed to pass the following order :

ORDER

The application is dismissed.

[ABHAY S. WAGHWASE, J.]

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