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

ANTICIPATORY BAIL APPLICATION NO. 1773 OF 2024

Anuradha W/o. Wamanrao Kamble,
Age: 83 years, Occ. Nil,
R/o. 11 Ward N-19 Nalsaheb Ravivar Bazar,
Opp. Gopal Theater, Washim,
Tq. & Dist. Washim … Applicant

Versus

The State of Maharashtra … Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.1886 OF 2024

Tejaswita (Shegaonkar) w/o Rohit Sahastrabuddhe,
Age: 26 yrs, Occu: Doctor,
R/o: Gopal Talkies, Washim. … Applicant

Versus

The State of Maharashtra … Respondent

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WITH
ANTICIPATORY BAIL APPLICATION NO. 1895 OF 2024

Seema W/o. Ashok Kamble,
Age: 45 years, Occu. Household,
R/o. Near Gopal Theater, Washim,
Tq. & Dist. Washim … Applicant

Versus

The State of Maharashtra … Respondent

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Appearance :

Mr. N. B. Khandare [Senior Advocate] i/b Mr. Ashish P. Deshmukh, Advocate for the Applicants in Anticipatory Bail Application Nos.1773/2024 and 1895/2024.

Dr. Anagha N. Pedgaonkar, Advocate for the Applicant in Anticipatory Bail Application No.1886/2024

Mr. Saurabh S. Munot & Mr. Arpit Bagadiya, Advocate for Depositors / Victim [Assist to PP], in Criminal Application No.4509/2024.

Mr. B. B. Bhise, APP for the Respondents – State in all Applications.

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CORAM	**:**	**NEERAJ P. DHOTE, J.**
RESERVED ON	**:**	**29.09.2025**
PRONOUNCED ON		**09.10.2025**

COMMON ORDER :

1. As all these Anticipatory Bail Applications arise out of the Crime No.0282/2024, registered with Hingoli City Police Station, District Hingoli, for the offences punishable under Sections 408, 409, 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999, and common submissions are made, they are decided by this common order.

2. The aforesaid Crime is registered on the report lodged by a Certified Auditor. The Assistant Registrar, Co-operative Societies, Hingoli, directed the Informant to conduct an audit of the Anuradha Urban Co-operative Credit Society Limited, Hingoli [For short 'the Society'] for the period from 01/04/2022 to 31/03/2023. He accordingly conducted the

audit of the Society for the period from 24/12/2019 till 26/02/2024 and submitted the Audit Report to the Assistant Registrar, Co-operative Societies, Hingoli that, the Board of Directors, Manager, Passing Officer and Cashier committed defalcation of the funds of the Society amounting to Rs.6 Crores and odd amount. The Assistant Registrar, Co-operative Societies, Hingoli, authorized the Informant to lodge the report and accordingly, First Information Report (FIR) was lodged. It is the case of the Prosecution that, the FIR named accused in connivance have created forged resolutions, showed false loan accounts, fabricated the signatures, and committed fraud and misappropriated the funds of the Society.

3. It is submitted by the learned Senior Advocate, in Anticipatory Bail Application Nos.1773/2024 and 1895/2024 that, the Maharashtra Co-operative Societies Act, 1960 [For short 'the MCS Act'] provides the procedure for the Audit, Inquiry, Inspection and Supervision of the Co-operative Society. Section 81 deals with the audit. The proviso to the said Section provides for prior permission of the Registrar to file the First Information Report, if he comes to the conclusion that, any person is guilty of any offence relating to the accounts or any other offences.

Article 21 of the Constitution of India provides for the protection of life and liberty of the citizen. The liberty of a citizen cannot be curtailed without following the due process of law. Herein, the prescribed procedure under the above-referred Section of the MCS Act is not followed and the FIR is lodged, and on this ground, the Applicants are required to be protected. The learned Senior Advocate submitted that, the bogus resolution of the Society was passed by Accused Nos.1 and 2 and the other Directors have no concern with the same. The Applicant, in Anticipatory Bail Application No.1773/2024, has not signed the said resolution. He relied on the Judgment in Mahadeorao Uttamrao Rajurkar and Anr. Vs. The State of Maharashtra and Ors., passed by the Nagpur Bench of the Bombay High Court on 03/12/2020, in Criminal Application [APL] No.585 of 2017, in support of his contention.

4. The learned Advocate for the Applicant, in Anticipatory Bail Application No.1886/2024, submits that, though the Applicant is the Director, she is not involved in the Crime. There are no specific allegations against the Applicant. The Applicant has not misused the funds of the Society. She has no criminal antecedents. She has not signed the resolutions. The Applicant has co-operated in the investigation. Hence, the Application be allowed.

5. It is submitted by the learned APP assisted by the learned Advocate for Depositors that, the FIR is based on the Audit Report. In the investigation, the report gets corroboration. The witnesses did not sign the loan papers, and still the loan is shown to have been sanctioned and disbursed in their names. There are more than 400 depositors, and the amount misappropriated is in crores. The nature of crime show that, it is not possible without the connivance of all the accused persons. For proper investigation of the case, the Applications be rejected.

6. Perused the above-referred Judgments relied upon by the learned Senior Advocate and the learned Advocate for the Applicants. Though in the said Judgments, there is reference to the Co-operative Society Act and Section 81 of the MCS Act is discussed, the Judgment is in the Applications filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR and the consequential proceedings. The matters at hand are not the quashing Applications and they are the Applications for Anticipatory Bail. It is needless to state that, the consideration in the Anticipatory Bail Applications are the prima facie

case, nature of offence, and the need for custodial interrogation. It would not be out of place to refer to the decision of the Hon'ble Supreme Court of India in Dhanraj N. Asawani Vs. Amarjeetsingh Mohindersingh Basi and Others; (2023) 20 SCC 136, wherein, the provision of Section 81 of the MCS Act is considered and it is observed that, Section 81(5B) of the MCS Act cannot be interpreted to mean that, any other person, who comes to know about the financial irregularity on the basis of the audit report, is debarred from reporting the irregularity to the police other than an auditor or the Registrar from setting the criminal law into motion. It is further observed that, once the criminal law is set into motion, it is the duty of the police to investigate into the alleged offence and that process cannot be interdicted by relying upon the provisions under Section (5B), which cast a duty on the auditor to lodge a First Information Report. Moreover, the FIR itself shows that, the Informant was the authorized auditor and he lodged the report on the directions and authorization from the concerned Assistant Registrar of the Co-operative Societies. Therefore, the contention that, due to non-observance of the procedure prescribed under the MCS Act, the Applications be allowed, has no merit.

7. Undisputedly, the Crime is based on the Audit Report conducted by the Informant and he noticed several illegalities, like preparing false resolution, making fake loan cases and documents, making false endorsements, disbursing unsecured loan, not accepting the security cheques against the loans to the known persons of the Directors, absence of gold in some of loan cases, illegalities / irregularities in disbursing the loans, withdrawal of investments and misappropriation of the Society's funds. The overdraft loan to the tune of Rs.1 Crore and odd amount was taken from Dr. Jayprakash Mundada Bank through a cheque instead of depositing the same in the Society's account. One signature on the withdrawal slip in respect of the withdrawal of the amount from the reinvestment deposit loan account of the Hingoli Urban Nidhi, Hingoli, which had deposited certain amount with the Societies, did not match with one of the authorized signatory of the said Hingoli Urban Nidhi. The investigation revealed that, the false loan accounts were shown and money was misappropriated. The statements of witnesses recorded during the course of investigation indicate that, they had never applied for the loan, nor withdrawn the amount of loan, and the signatures on the documents were not of theirs. Taking into consideration the nature of the offence involving the funds of the Society, the Applicants cannot shirk the

responsibility by saying that, they have nothing to do with the same. The Applicants are the Directors of the Societies. Being the Directors of the Society, they are in the decision-making process. Though the Police Report indicates that, the charge-sheet is submitted against the arrested accused, it further indicates that, there are large number of investors and investigation is going on. Taking into consideration the nature of offence and in view of the above discussion in my view, this is not the fit case for protection under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and hence, the following order:

ORDER

. Anticipatory Bail Applications are rejected.

[NEERAJ P. DHOTE, J.]

Sameer/October-2025