2025:BHC-AUG:2224

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2179 OF 2024

Motiram Champati Jagtap
Age 41 years, Occu. Service,
R/o. Bhandegaon,
Tq. & Dist. Hingoli. … Applicant

Versus

1. The State of Maharashtra
Through Officer In-charge,
Police Station Hingoli (City),
District Hingoli.

2. The Superintendent of Police,
Hingoli, District Hingoli. … Respondents

WITH
CRIMINAL APPLICATION NO. 4789 OF 2024
IN
BAIL APPLICATION NO. 2179 OF 2024

Sawankumar Jagdishchandra Mandwal
Age : 38 years, Occu. Business,
R/o: Gadipura, Hingoli,
Taluka and District Hingoli. … Applicant

Versus

1. The State of Maharashtra
Through In charge Officer,
Police Station Hingoli (City),
District Hingoli.

2. the Superintendent of Police,
S.P. Office, Hingoli.

3. Motiram Champati Jagtap
Age : 48 years, Occu. Service,
R/o. Hingoli. … Respondents

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Mr. Sudarshan J. Salunke, Advocate for the Applicant in BA/2179/2024.
Mr. C. V. Bhadane, APP for the Respondent Nos. 1 and 2-State in both applications.
Mr. Vishal A. Bagdiya, Advocate for the Applicant in Cri.Appln./4789/2024

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 24.01.2025
Pronounced on : 28.01.2025

ORDER :

1. Criminal Application No. 4789 of 2024 is filed seeking permission to appear and resist the bail application. For the reasons mentioned in the application, the same is allowed in terms of prayer clause (B) and disposed off accordingly.

2. The applicant in Bail Application No. 2179 of 2024 seeks enlargement on bail on account of his arrest in crime no. 0282 of 2024 registered at Hingoli City Police Station, District Hingoli for offences under Sections 420, 408, 409, 465, 467, 468, 471 and 120-B of IPC and Sections 3, 4 of the M.P.I.D. Act.

3. Urging for bail, learned counsel pointed out that applicant was arrested in above crime on 28.05.2024. That, he was working as a Passing Officer in the co-operative financial institution and he was

posted at the lowest rung in the clerical cadre. He had no authority to approve sanction or take major decision of disbursement of loans and other financial transactions. He further emphasized that above crime is at the instance of a special auditor. According to learned counsel, there are vague, general, omnibus allegations against several office bearers, but primarily allegations are against Board of Directors. There are allegations of assuring handsome rate of interest on investments, but according to learned counsel, this was not the duty or assignment of present applicant. He being working in the clerical cadre, was merely to obey the directions of the superiors. In such capacity, he has been involved. Learned counsel took this court through the FIR and pointed out that *prima facie* allegations against present applicant are that, he, alongwith Board of Directors and cashier, are responsible for dues of loan amounting to the tune of Rs.1,33,00,000/- and some odd amount along with interest. That, except such allegations, no other role is attributed to the applicant. That, he is behind bars since long. Now, investigation is over and even chargesheet has been filed. Therefore, according to learned counsel, no purpose would be served by further detention and as applicant is ready to abide all and any conditions imposed by this Court, learned counsel seeks relief of regular bail. He pointed out that this Court, in similar crime, granted bail and its copy is placed on record. He also seeks reliance on judgment of Hon'ble Apex Court in the ***Dataram Singh v. State of Uttar Pradesh and another*** 2018 ALL SCR (Cri) 371 and ***Sanjay Chandra v. CBI*** (2012) 1 SCC 40.

4. While opposing the bail application, learned APP pointed out that applicant was working as a Passing Officer. That, it was his duty to verify transactions. He was assigned the important duty and was expected to be diligent. That, special audit has been conducted and misappropriation of huge amount by circumventing procedural aspects has come to light. He and others, who are named, are primarily responsible for the above offence. Hard earned money of investors has been diverted for personal gains. That, offence being an economic fraud, learned APP opposes relief of bail.

5. Heard. Perused the papers including FIR dated 03.05.2024 registered at Hingoli City Police Station. Papers show that, Anil Parappa Bandhu was directed to conduct special audit by Government with regard to Anuradha Urban Co-operative Credit Society Limited, Hingoli (co-operative financial institution) for a period from 01.04.2022 to 31.03.2023 on receipt of complaint of irregularities. Detailed FIR has been lodged fixing responsibilities of several persons including Chairman, Board of Directors and present applicant. 11

persons seem to be primarily named by the informant and detailed summary of the offence, defining role and acts done, is also a part of papers. Informant has noticed several irregularities like luring investors by offering higher returns, preparing false resolution, fake loan cases, documents and making false endorsements, withdrawal of investments and its misappropriation.

6. Thus, *prima facie*, investments from common people were attracted in the co-operative financial institution and there are allegations of embezzlement and misappropriation by playing fraud on investors, coupled with false assurance of huge returns by way of interest. Financial figures are running in crores. Apparently, it is an economic fraud for personal gains by showing utter disregard to the rules, regulations and procedure. Taking specific role of the applicant into consideration, that he was a Passing Officer and was involved in the process of sanctioning loans and investments, it cannot be said that he being working at the lowest rung, cannot be held responsible for the financial irregularities.

7. Learned counsel has sought reliance on the order of this Court dated 26.09.2024 passed in ***Vilas Parmeshwar Warkad v. The State of Maharashtra and another*** [Bail Application No. 1567 of 2024], but

facts in those cases are distinct. There were mere allegations against such accused, of convincing people to invest. Here, it is not so. Here, applicant is office bearer of the financial institution and more particularly, on special audit, found to have been involved in the irregularities and misappropriation. The rulings of the Hon'ble Apex Court, relied by the applicant, were also on distinct facts and as such, cannot be taken aid of. For all above reasons, this Court is not inclined to grant relief as prayed at this stage. Applicant is at liberty to move at later point of time. Hence, I proceed to pass the following order:

ORDER

The bail application is dismissed.

[ABHAY S. WAGHWASE, J.]

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