



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 140 OF 2024

Mahadev Shrirang Ghadage ...Applicant
Vs.
The State Of Maharashtra & Anr. ...Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO. 142 OF 2024

Bhikaji @ Bhiku Chagan Rajmane & Anr. ...Applicants
Vs.
The State Of Maharashtra & Anr. ...Respondents

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Adv. Rahul Kadam a/w Shardul Diwan & Vedant Babar for the
Applicants.

Adv. Sachin M. Bhavar for the Ori. Complainant/Intervener.

Adv. Anand s. Shalgaonkar, APP for the State.

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CORAM : RAJESH S. PATIL, J.

DATED : 30 JANUARY 2025

PC.:

1. By an order dated 24th January, 2024, the Single Bench of this Court passed an order thereby granting protection to the Applicants. For ease of reference, the said order dated 24th January, 2024 is reproduced herein below :

“1. The Applicants are seeking anticipatory bail in connection with C.R.No.653/2023 registered at

Tembhurni Police Station, District Solapur under sections 408, 409, 420, 464, 465, 471 read with 34 of IPC.

2. The gist of the FIR is that the Applicant Mahadev Ghadage was the Secretary of the Takali (T) Vivid Karyakari Seva Sahakari Sangh, Takali, Taluka Madha, District-Solapur. The allegations are that some fraudulent loan was sanctioned in the name of the first informant and the amount of the loan was misappropriated behind the back of the first informant. The other two applicants i.e. Bhikaji Rajmane and Pandurang Chavan had signed the loan receipts submitted to Solapur District Central Co-operative Bank as panchas to that particular loan.

3. Learned counsel for the Applicants submitted that the FIR is lodged because of the rivalry between the two groups in the society. The informant's son had contested and won the election to the Committee of the said Society, but, he was subsequently disqualified. The informant suspected that the Applicant Mahadev Ghadage and his group were behind the removal of his son and, therefore, this false FIR is lodged. He submitted that the chart which bears the signature of the Applicant Mahadev was prepared from the record. That itself does not indicate that the loan was fraudulently sanctioned on the basis of the forged documents.

4. He submitted that even if it is assumed that the offence is actually committed there is no connection of the present Applicants with the offence.

5. Learned APP is seeking time to enable the investigating officer to go through the entire record

and to find the money trail as to how that loan amount was disbursed and utilized. She submitted that the Applicants be directed to appear before the investigating agency and to participate in the investigation at this stage.

6. Considering these submissions, today the matters can be adjourned with interim protection to the Applicants.

7. Hence, the following order :

ORDER

(i) In the event of their arrest in connection with C.R.No.653/2023 registered at Tembhurni Police Station, District Solapur, till the next date, the Applicants be released on bail on their executing P.R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.

(ii) This order shall operate till 5.3.2024.

(iii) The Applicants shall attend the concerned Police Station from 12.2.2024 to 15.2.2024 between 1:00 p.m. to 5:00 p.m. and thereafter as and when called. The Applicants shall cooperate with the investigation.

(iv) Stand over to 5.3.2024.”

2. On behalf of the Applicants it has been submitted that there is no need of arresting the Applicants as the investigation is almost complete. It is submitted that by an Affidavit dated 2nd

August, 2024, filed by Shri. Ajit More, Police Sub Inspector, in paragraph No. 5 it has been stated that “during the course of investigation, statements of seven witnesses came to be recorded, it is revealed that the Applicants/Accused herein above, some fraudulent loan was sanctioned in the name of the First Informant and the amount of the loan was misappropriated behind the back of the First Informant.” In paragraph No. 7 it has been stated that during the course of investigation, the loan proposal files, withdrawal slips and other relevant documents are recovered under the Seizure Panchanama dated 5th December, 2023. It is submitted on behalf of the Applicants that since the investigation is almost over and the chargesheet is likely to be filed very soon, the present Anticipatory Bail Applications be allowed.

3. The learned APP however, has opposed this request made by the Applicants/Accused. Mr. Sachin Bhavar, learned counsel for the Informant has also opposed the present Anticipatory Bail Applications. He submits that fraud was committed by the Applicants. Hence, this Court should be reluctant to allow the Anticipatory Bail Applications.

4. Taking into consideration the fact that, the Applicants have attended the Police Station as per the last order passed by

this Court and have always co-operated with the Police, as far as, investigation is concerned, and taking into consideration the Affidavit filed by Sub Inspector Shri. Ajit More, wherein he has stated that almost all documents as per Seizure Panchanama have been recovered by the Investigating Officer, the present Anticipatory Bail Application are required to be allowed. Hence, the following order.

Order

(i) In the event of their arrest in connection with Cr. No. 652 of 2023 registered at Tembhorni Police Station, Tal- Madaha, District Solapur, the Applicants be released on bail on their executing PR Bond in the sum of Rs. 30,000 each. (Thirty Thousand Only) with one or two sureties each in the like amount.

(ii) The Applicants shall attend the concerned Police Station as and when called. The Applicants shall co-operate with the investigation.

(iii) The Applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses or any other person concerned with the case.

(RAJESH S. PATIL, J.)