IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 236 OF 2024

1. Suhil R. Tawade
2. Vittal J. Ghule
3. Ishwar J. Sonar
4. Madhusudan K. Rane
5. Kishor C. Khatawkar
6. Pratap K. Sakpal
7. Anant S. Dalvi
8. Prakash S. Dange
9. Prakash D. Khangal
10. Mohan B. Gore
11. Vijay B. Apradh
12. Krushnadev N. Sonawane
13. Sunil K. Chavan …Applicants

V/s.

The State of Maharashtra & Anr. ...Respondents.

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Mr. Akash Kavade a/w. Ms Aishwarya Sharma for the Applicants.
Mrs. R.D. Humane, APP for the Respondent/State.
Ms Nikita Mandaniyan a/w. Mr. Atharv Gidaye i/b Mr. Dileep Satale for the Respondent No.2.
PI Vhatkar, Marine Lines Police Station present.

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CORAM : N.R. BORKAR, J.
DATE : 07.10.2025.

P.C. :

1. This is an application for anticipatory bail.

2. On 29th January 2024, this court passed the following order:

> *1. The Applicants are seeking anticipatory bail in connection with C.R.No.270/2023 registered with Marine Drive Police Station, Mumbai on 21.12.2023 under*

sections 408, 409, 420, 465, 468, 471, 120-B read with 34 of IPC.

2. Heard Shri Charanjeet Singh Chandrapal, learned counsel for the Applicants, Ms. Pallavi Dabholkar, learned APP for the Respondent-State and Mr. Harshad Bhadbhade, learned counsel for the Intervenor.

3. The FIR is about the misappropriation of money and falsification of account in respect of the Maharashtra Mantralaya Co-operative Credit Society Limited. The FIR is lodged by one Mohan More. He was a Chartered Accountant and he had carried out a statutory audit for the period between 1.4.2022 to 31.3.2023. The FIR mentions certain irregularities amounting to offences. The allegations are under different heads. There are allegations that some of the employees were given over-time allowance of various amounts totaling to Rs.25,13,269/-. For that purpose the computerized biometric attendance was tampered with. The second allegation is that there was election fund of Rs.36,60,376/- spent by the earlier Managing Committee. That expenditure was illegal. Another allegation is that the General Manager Ramchandra Tawade had paid Rs.1,60,000/- as his income tax for the period May, 2022 to June, 2022. Thus, the total misappropriation was to the tune of Rs.63,33,645/-. Some of the Applicants herein were the members of the Managing Committee and some of the Applicants were the employees who had received the illegal benefits under the heading of over-time.

4. Learned counsel for the Applicants submitted that there is no offence committed by any of the Applicants. The FIR is a result of the rivalry between the two groups. The present Managing Committee is against the earlier Managing Committee and, therefore, to pressurize them and to seek revenge they have lodged this false FIR. He submitted that all the expenditure were made within the rules and framework of the Credit Co-operative Society.

5. Shri Bhadbade appearing for the society submitted that the investigation would reveal that the computerized biometric were actually tampered because on the same day there were different entries for different employees wherein sometimes for the benefit of some *employees manual entries were made and for the other employees the computerized entries were made. He further submitted that the allegations in the FIR are true and besides the allegations in the FIR there are other mal practices going on in the society.*

6. Learned APP supported the allegations in the FIR. However, she submitted that none of the Applicants had attended the police station and none of them explained their defence.

7. Considering the allegations in the FIR as well as the submissions made before me today, I am of the opinion that the Applicants deserve one opportunity to approach the police station and explain their position to show that they have not committed any offence. The investigating agency can confront them with the submissions made by learned counsel for the society as well as by the learned APP today which are recorded in this order.

8. Hence, the following order:

O R D E R

(i) In the event of their arrest in connection with C.R.No.270/2023 registered with Marine Drive Police Station, Mumbai, 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 12.3.2024.

(iii) The Applicants shall attend the concerned Police Station from 12.2.2024 to 16.2.2024 between 1:00 p.m. to 5:00 p.m. and thereafter as and when called. They shall cooperate with the investigation.

(iv) Stand over to 12.3.2024.

3. Thereafter, on 13th September 2024, this Court passed the following order.

"1. In this case, the Applicants are seeking anticipatory bail in connection with C.R.No.270/2023, registered with Marine Drive Police Station, Mumbai. Vide

the order dated 29/01/2024, ad-interim relief was granted in favour of the Applicants and they were directed to attend the concerned police station and cooperate with the investigation.

2. Heard Mr. Akash Kavade, learned counsel for the Applicant, Mr. Harshad Bhadbhade, learned counsel for the Intervenor and Mr. Vinit A. Kulkarni, learned APP for the State.

3. Today, a statement is made by the learned APP on the instructions of the Investigating Officer that the Applicants have attended the police station and have cooperated with the investigation.

4. <u>Learned APP on instructions makes a further statement that out of these Applicants, the investigating agency does not want to arrest the Applicant Nos.2, 3, 4, 5, 6, 7, 9, 10, 11 and 12. The investigating agency wants to arrest only the Applicant Nos.1, 8 and 13. The statement is recorded and accepted.</u>

5. In view of this statement, the learned counsel for the Applicants does not press the application for Applicant Nos.2, 3, 4, 5, 6, 7, 9, 10, 11 and 12, as they do not have apprehension of arrest. Therefore, application on their behalf is treated as not pressed.

6. The application shall be considered in respect of Applicant No.1 Sushil Tawade, Applicant No.8 Prakash Dange and the Applicant No.13 Sunil Chavan. Learned APP has already filed affidavit-in-reply. However, a copy is not served on the learned counsel for the Intervenor Mr. Bhadbhade. It is also submitted that the copy of the application itself is not served on the learned counsel for the Intervenor.

7. Learned APP as well as learned counsel for the Applicants shall furnish copies of their respective memos to the learned counsel for the Intervenor.

8. Stand over to 11/10/2024.

9. Ad-interim relief granted in favour of the remaining Applicants shall continue till the next date."

(emphasis supplied)

4. I have heard the learned counsel appearing for the applicant, the learned APP for the respondent / State and the learned counsel for respondent No.2/first informant.

5. Learned APP for the respondent/State, on instructions, submits that the investigation is almost over. As the investigation is over, there appears to be no need of custodial interrogation of the applicant Nos.1,8 and 13. In that view of the matter, the order dated 29th January 2024 granting interim anticipatory bail to the present applicants is hereby confirmed.

6. The Application is disposed of in the aforesaid terms.

[N.R.BORKAR, J.]