



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 384 OF 2024
WITH
ANTICIPATORY BAIL APPLICATION NO. 386 OF 2024

Anil Kondiba Babar & Anr. ...Applicants
Vs.
The State Of Maharashtra ...Respondent

...
Adv. Rupesh K. Bobade for the Applicants.
Adv. Sachin M. Bhavar for the Ori. Complainant/Intervener.
Adv. Anand s. Shalgaonkar, APP for the State.

...

CORAM : RAJESH S. PATIL, J.

DATED : 30 JANUARY 2025

PC.:

1. By an order dated 09th February, 2024, the Single Bench of this Court passed an order thereby granting protection to the Applicants. For ease of reference, the said order dated 09th February, 2024 is reproduced herein below :

*“1. The Applicant is seeking anticipatory bail in connection with **C.R. NO.652/2023, dated 13/10/2023 and C.R.No.653/2023, dated 14/10/2023, registered with Tembhurni Police Station, Solapur, under sections 420, 408, 409 464, 465, 471 r/w 34 of the Indian Penal Code.***

2. Heard Mr. Rupesh K. Bobade, learned counsel for the Applicant and Ms. Pallavi N. Dabholkar, learned APP for the State. 3. The FIR is lodged by one Bharat Ghadage. The allegations in the FIR are in respect of the fraud committed in Takali Vividh Karyakari Seva Sahakari Sangh, Solapur. The allegation in the FIR are that the informant had not applied for any loan, but some loan was sanctioned in his name and that loan was disbursed in the account, which he had not opened. The amount was transferred in Solapur District Central Co-operative Bank, Takali branch. The Applicant Anil Babar was working as a Bank Inspector with the District Central Bank from March 2016 to September 2018. Thereafter the Applicant Balasaheb Hulge joined that post till March 2021. Therefore, the allegations are that those Applicants were also part of the larger conspiracy.

3. The FIR is lodged by one Bharat Ghadage. The allegations in the FIR are in respect of the fraud committed in Takali Vividh Karyakari Seva Sahakari Sangh, Solapur. The allegation in the FIR are that the informant had not applied for any loan, but some loan was sanctioned in his name and that loan was disbursed in the account, which he had not opened. The amount was transferred in Solapur District Central Co-operative Bank, Takali branch. The Applicant Anil Babar was working as a Bank Inspector with the District Central Bank from March 2016 to September 2018. Thereafter the Applicant Balasaheb Hulge joined that post till March 2021. Therefore, the allegations are that those Applicants were also part of the larger conspiracy.

4. Learned counsel for the Applicants submitted that

the fraud was committed in the co-operative society. The Applicants would not have known about that fraud because they were working in the bank. They were not knowing the person in whose name the loan was sanctioned.

5. Learned APP is seeking time.

6. Learned counsel for the Applicants as well as learned APP submitted that the Secretary of the said society is granted ad-interim protection vide an order dated 24/01/2024, passed in Anticipatory Bail Application No.139 of 2024. Learned counsel submitted that this matter also be placed on the same date with the same protection.

7. Considering these submissions, this matter can be heard with the aforementioned Anticipatory Bail Application.

8. Hence, the following order:

ORDER

*(i) In the event of their arrest in connection with **C.R. NO.652/2023**, dated **13/10/2023** and **C.R.No.653/2023**, dated **14/10/2023**, registered with Tembhurni Police Station, Solapur, till the next date, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.*

(ii) The Applicants shall attend the concerned Police Station from 20/02/2024 to 23/02/2024 between 01.00 p.m. to 05.00 p.m. and thereafter as and when called and shall cooperate with the

investigation.

(iii) This order shall operate till 05/03/2024.

(iv) Stand over to 05/03/2024.”

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 Applications are required to be allowed. Hence, the following order.

Order

(i) In the event of their arrest in connection with **Cr. NO.652/2023, dated 13/10/2023 and Cr. No. 653 of 2023 dated 14/10/2023** registered at Tembhurni 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.)

This order is corrected pursuant to Speaking to Minutes order dated 3rd February, 2025 and the corrections be shown in bold.