

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 259 OF 2025**

Shubham Somnath Khangte ... Applicant
vs.
The State of Maharashtra ... Respondent

Mr. Satyavrat Joshi, i/b. Ms. Sakshi Mane for applicant.

Mr. Pankaj Deokar, APP for the respondent-State.

Mr. Santosh More, PSI, Vishrambaug Police Station, District Pune City.

**CORAM : MANISH PITALE, J.
DATE : 07th FEBRUARY, 2025**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0192 of 2024 dated 30.07.2024 registered at Vishrambaug Police Station, District Pune City, for offences under Sections 406 and 420 r/w. Section 34 of the Indian Penal Code, 1860 (IPC) and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

3. The informant in the present case is a senior citizen aged about 78 years and she raised grievance before the Police that the accused persons, including the applicant before this Court, are responsible for she being induced and lured for investing huge amount of ₹ 11,80,000/- with the cooperative credit society, of which the accused persons are office bearers or responsible members. They had promised higher return on the investment as compared to bank

interest and due to the allurements, she deposited the amounts. But, subsequently neither the deposited amount, nor the interest thereon was ever given to her.

4. At the outset, the learned counsel for the applicant submits that in the case of one of the co-accused persons i.e. Mithilesh Ashok Golap @ Gholap, while this Court dismissed his anticipatory bail application on 20.09.2024, the Supreme Court was pleased to grant anticipatory bail to him by order dated 16.12.2024. It is submitted that the observations made by the Supreme Court, while granting relief to the said co-accused person, are relevant in the present application. It is further submitted that while the said co-accused person was named in the FIR and a specific role was attributed to him, yet he was granted relief by the Supreme Court, as against the applicant herein, there is no direct allegation and he has not even been named in the FIR. It is further submitted that the applicant was the director of the concerned society between 09.12.2023 to 30.01.2024, which is after the relevant period i.e. 17.11.2020 to 29.09.2023, in respect of which the FIR has been registered. On this basis, it is submitted that the applicant deserves to be granted relief.

5. The learned APP, on the other hand, submitted that even though the applicant is not named in the FIR, the investigation has revealed that during the time period when he was the director, certain decisions were taken, which indicated that the funds of the society were misused.

6. This Court has perused the order dated 16.12.2024 passed by the Supreme Court in SLP (Crl.) No.14382/2024 (Mithilesh Ashok Golap @ Gholap vs. The State of Maharashtra), wherein the said co-accused person was granted anticipatory bail. While granting relief to

the said co-accused person, the Supreme Court took note of the fact that the said person was the Chairman of the society, during a particular term. But, there were no deposits during that period and therefore, a *prima facie* case was made out in his favour.

7. It is to be noted that the application of the said co-accused person i.e. Mithilesh Ashok Gholap was dismissed by this Court, observing that he was named in the FIR and that there was allegation against him, alongwith co-accused persons, about having allured the first informant to part with substantial amount of money with promise of attractive returns, which never materialized.

8. But, the applicant in the present case, was not even named in the FIR. There is no specific role attributed to him. More so, the FIR is registered in the context of the period between 17.11.2020 and 29.09.2023, while the applicant was the director in the society between 09.12.2023 and 30.01.2024. Therefore, for the period mentioned in the FIR, the applicant was not even the director in the said society.

9. In view of the above, the applicant has made out a case for granting anticipatory bail, so long as he co-operates with the investigation.

10. Accordingly, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0192 of 2024 dated 30.07.2024 registered at Vishrambaug Police Station, District Pune City, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

- (ii) The applicant shall remain present before the Investigating Officer on 10.02.2025 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

11. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

12. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

13. The application stands disposed of.

(MANISH PITALE, J)

Priya Kambli