

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 270 OF 2025

Babaji Ganpat Kane

...Applicant

Versus

The State Of Maharashtra

...Respondent

Mr. Shrijeet Raorane, Advocate for the Applicant.

Mr. Nitin B. Patil, APP for the State.

Ms. Maya Patil, API Chambur Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 20 FEBRUARY 2025

P.C.:

1. The present Application is filed by the Applicants under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [corresponding Section 438 of Cr.P.C], for anticipatory bail in connection with C.R. No. 0552 of 2024, dated 17 December 2024, registered with Chembur Police Station, District Brihanmumbai, under Sections 420, 409 read with Section 34 of the Indian Penal Code.

2. The present Applicant is Accused No.1 and was the manager

of Co-operative Credit Society. The F.I.R. has been lodged by the Auditor of the year 2024 of the said Cooperative Credit Society in the year 2024. It is alleged in the F.I.R. that there has been misappropriation of funds amounting to Rs. 10,16,13,473/-.

3. Mr. Raorane, the learned Advocate for the Applicant submits that the entire amount alleged to have been misappropriated has been returned back to the Cooperative Credit Society. Furthermore, regarding the amount specifically attributed to the present Applicant, in addition to returning the principal sum, the Cooperative Credit Society has also recovered interest of Rs.3,96,689/-. He further submits that the Applicant is 61 years of old, is no longer employed with the Cooperative Credit Society, and will cooperate with the Investigating Officer. Therefore, his custody is not required at this stage.

4. The learned APP, on instructions of the Investigating Officer who is present in the Court, submits that it is correct position that the misappropriated funds have been recovered by the Cooperative Credit Society. Additionally, even the interest on the said amount has been recovered by the Cooperate Credit Society.

5. On instructions, he submits that if the present Applicant

cooperates, this Court may, as of today, grant interim protection to the present Applicant. The case of the present Applicant is different from that of the “Board” of the Credit Cooperative Society, and the forensic auditors at the relevant time of the Cooperative Credit Society.

6. Taking into consideration fact that the entire misappropriated funds have been returned along with interest, and that the Applicant is 61 years old, and is willing to cooperate, a prima facie case is made out for granting anticipatory bail on the following conditions:-

ORDER

- (a) The Anticipatory Bail Application is allowed.
- (b) In the event of arrest of the Applicant C.R. No. 0552 of 2024, dated 17 December 2024, registered with Chembur Police Station, District Brihanmumbai, under Sections 420, 409 read with Section 34 of the Indian Penal Code, the Applicant shall be released on bail furnishing P.R. bond to the extent of Rs.30,000/- with one or more sureties of the like amount.
- (c) The Applicant shall co-operate with the investigation and attend the investigating officer of the concerned police station, as

and when called.

(d) The Applicant shall not directly or indirectly make any inducement, threat or promise to victim and to any person acquainted with facts of case so as to dissuade him/her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(e) The Applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The Applicant and his surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.

7. In view of the above, **the present Anticipatory Bail Application is disposed of.**

(RAJESH S. PATIL, J.)