



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.31 OF 2025

Changdev s/o Wamanrao Faye and others

Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Kurkheda, District Gadchiroli

AND

CRIMINAL APPLICATION (ABA) NO.32 OF 2025

Manish s/o Doshhar Faye and another

Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Kurkheda, District Gadchiroli

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Akshay Naik, Senior Counsel a/b Mr. Rajnish Vyas, Counsel for the applicants.

Mr. N. B Jawade, APP for the non-applicant/State in both applications.

Mr. Vedant Raut Counsel for the complainant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 25/03/2025

1. By preferring these applications, the applicants who are Directors are seeking pre-arrest bail in connection with Crime No.255/2024 registered with Police Station, Kurkheda, District Gadchiroli for the offences punishable under Sections 406, 407, 408, 409, 418, 420, 464, 465, 468, 469, 471, 474, 477A of the Indian Penal Code.

2. Heard learned Senior Counsel Mr. Naik and Mr. Vyas learned Counsel for the applicants. They have submitted that the crime is registered on the basis of order passed by the learned Judicial

Magistrate First Class, Kurkheda under Section 156(3) of the Code of Criminal Procedure (for short 'the Cr.P.C.') in Criminal Misc. Application No.25/2024. It is submitted by them as initially, the applicant Manish s/o Doshhar Faye, who is applicant No.1 in Criminal Application (ABA) No.32/2025, lodged a complaint against the employees and the agent and the society by the name Sanskar Credit Cooperative Society that they have committed a misappropriation of the amount of the investors to the tune of Rs.12,21,910/-. The investigation was rotated on the basis of the said complaint, and the statements of the relevant witnesses were recorded. During the pendency of the investigation, one Vedprakash Vijaysingh Rathod brother-in-law of Shubham Parihar one of the co-accused in Crime No.97/2023 has filed an application under Section 156(3) of the Cr.P.C. and the Magistrate without considering the inquiry report of the investigating agency, directed to register the offence. They have further submitted that the preliminary inquiry was conducted as far as the allegations levelled by said with Vedprakash Rathod are concerned and the said inquiry report shows that it was the co-accused i.e. Shubham Parihar, Muneshwar Pardhi, Prabhavati Parihar and Lomesh Pardhi were involved in the misappropriation. The present applicants are not concerned with any misappropriation which is committed by misappropriating the amount of the investors or by showing the loans in their names.

They have submitted that the learned Magistrate while passing the order of registering the offence have not considered the said report. As far as the custodial interrogation is concerned, which is not required. They are arraigned as an accused only because they are the Directors.

3. Learned APP on instructions received from the Investigating Officer submitted that the applicants have cooperated with the investigating agency and attended the Police Station. He further submitted that as far as the merit of the matters is concerned, the involvement reveals from the investigation papers, but the entire investigation revolves around the documents which are already seized by the investigating agency.

4. After hearing both the sides and on perusal of the investigation papers, it reveals that initially, the complaint was lodged by the applicant No.1 Manish s/o Doshhar Faye who is applicant in Criminal Application (ABA) No.32/2025 alleging the misappropriation by Shubham Parihar, Muneshwar Pardhi, Prabhavati Parihar and Lomesh Pardhi. Out of that Shubham and Muneshwar were the employees and Prabhavati and Lomesh were agents. The statements of the witnesses disclose that it was the co-accused i.e. Shubham, Muneshwar, Prabhavati and Lomesh, who had obtained various documents from them and they were looking after the loan

accounts. The some of the statements of the witnesses also disclose that the applicant No.1 Manish and the other Directors had already constituted one Sub-Committee and said Sub-Committee had inquired into the misappropriation and it revealed that these four persons are involved in the misappropriation. Similarly, the investigating agency has also conducted the inquiry after receiving the application from this Vedprakash Rathod and the report of the investigating committee also shows that there is no substance as far as the application filed by Vedprakash Rathod is concerned. Thus, considering the entire material collected during the investigation, at this stage, the applicants have made out a case for anticipatory bail.

5. Learned Counsel for the complainant though objected for the same and placed reliance on the decision of **Manik Madhukar Sarve and Ors. Vs. Vitthal Damuji Meher** in **Criminal Appeal No.3573/2024 dated 28.08.2024**. After going through the facts of the said case and facts of the present case, are not identical. Here the inquiry report i.e. the internal inquiry carried out by the institute as well as the investigating agency has also conducted the inquiry and the investigation from which there is no sufficient material to show the involvement of the present applicants as far as the misappropriation is concerned. Moreover, they have

already cooperated with the investigating agency, attending the Police Station and most of the documents are already seized. Thus, considering the entire material collected during the investigation, the custodial interrogation of the present applicants is not required. In view of that, both the applications deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The interim protection granted to the present applicants by order dated 14.01.2025 is hereby confirmed on the condition that they shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(ii) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(iii) The applicants shall furnish their cell phone numbers and address along with the address proof.

(iv) The applicants shall not leave the jurisdiction of Gadchiroli district without prior permission of the District Court Gadchiroli.

The applications are disposed of.

(URMILA JOSHI-PHALKE, J.)