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45.aba.64.2025

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

CRIMINAL APPLICATION (ABA) NO.64 OF 2025

Bhaskar s/o Madhaorao Mahakulkar
Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Awadhutwadi, District Yavatmal

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

Court's or Judge's orders

Mr. S. S. Sitani, Counsel for the applicant.
Mr. Anant Ghogare, APP for the non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/02/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.922/2024 registered with Police Station Awadhutwadi, District Yavatmal for the offences punishable under Sections 120-B, 406, 409, 417, 418, 420, 421, 424, 467, 468, 471, 477A of the Indian Penal Code and under Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act), the applicant approached to this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicant who submitted that the informant namely Sou. Sunita Satish Pande was appointed as Special Auditor Class-I, Co-operative Society, Amravati. By order dated 22.03.2022 and 26.06.2023, she was

appointed as Special Auditor for the special audit of the present Land Development Bank. The said Bank was named as 'Mahila Sahakari Bank', and thereafter, it was renamed as 'Babaji Date Mahila Sahakari Bank Limited' which is under liquidation. It is further alleged that on deep exhaustive special audit of the Bank. It was revealed that serious instances of irregularities with the banking business, misappropriation of public money, economic irregularities, misappropriation of funds, fund diversion, mis-utilization of funds, manipulation of the accounts and siphoning off the funds of the conspiracy. On the basis of the said findings by the Special Auditor, the crime was registered against the Directors, Managers and other employees of the said Bank. As far as the applicant is concerned, who is the borrower and only allegation against him is that he has not repaid the amount of loan which he has obtained. He submitted that it is further alleged that there was no sanction to the said loan, and therefore, he is arraigned as an accused. He submitted that as far as the allegation of repayment of the loan amount is concerned, which is the nature of the civil dispute and no criminal offence is made out against the present applicant. He submitted that as far as the sanction of the loan is concerned, which is within the prerogative of the Director and the Chairman of the said Bank and the applicant cannot be made responsible for the same. The other co-borrower is already released on bail by the trial Court.

Considering all these aspects, the applicant be protected by granting anticipatory bail.

3. Learned APP strongly opposed the said application on the ground that the involvement of the present applicant is in economic offence, and therefore, the application deserves to be rejected.

4. After hearing both sides and on perusal of the investigation papers, it reveals that as far as the role of the present applicant is concerned, which is only to the extent of obtaining the loan and not repaying the same. Thus, considering this allegation which is of a civil nature and no offence is made out against the present applicant. As far as the other allegation is concerned, there was no sanction by the body of the Directors and Chairman and Vice Chairman of the Bank. Admittedly, the applicant be held responsible for non-sanction to his loan, it is a prerogative of the office bearers of the said Bank.

5. Considering the nature of the allegation, the custodial interrogation of the present applicant is not required. In view of that the applicant has made out a case for grant of anticipatory bail. In view of that, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) In the event of arrest, in connection with Crime No.922/2024 registered with Police

Station, Awadhutwadi, District Yavatmal for the offences punishable under Sections 120-B, 406, 409, 417, 418, 420, 421, 424, 467, 468, 471, 477A of the Indian Penal Code and under Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (MPID Act), the applicant **Bhaskar s/o Madhaorao Mahakulkar** shall be released on anticipatory bail on executing PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant 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.

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

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)