



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

CRIMINAL APPLICATION (ABA) NO. 113 OF 2025

Shyam Gopal Diparkar Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Imran Deshmukh, counsel for applicant.

Mr. Anant Ghogare, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/04/2025.

1. Apprehending the arrest at the hands of police in connection with Crime 922/2024 registered with Police Station Awadhootwadi, Yavatmal for the offence punishable under Sections 420, 406, 409, 417, 418, 421, 424, 467, 468, 471, 477(A), 120(B) of the Indian Penal Code, 1860 read with Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, applicant approached this Court for grant of pre-arrest bail.

2. The learned counsel for the applicant submitted that the crime is registered against the present applicant and other co-accused on an allegation that they have committed the criminal breach of trust and also prepared the forged documents. He submitted that, in fact, the crime is registered on the basis of a report lodged by the Auditor, who has noted some irregularities and illegalities committed by the office bearers of the *Babaji*

Date Mahila Sahkari Bank Ltd., Yavatmal. As far as the present applicant is concerned, he is the borrower, and he is the defaulter, and therefore, he is arraigned as an accused in the present crime. He submitted that, at the most, civil action can be taken against them to recover the amount. No criminal offences made out against him. He further submitted that the co-accused with the similar allegations are already released on bail by this Court. In view of that, the present application deserves to be allowed.

3. Learned APP strongly opposed the said application on the ground that, considering the huge stake of the amount involved in the said crime, the other co-accused, who are office bearers, have committed irregularities and illegalities while sanctioning the loan. Additionally, the present applicant is the beneficiary of the said transaction therefore, his custodial interrogation is required.

4. On hearing both sides and on perusal of the FIR and the investigation papers, it reveals that the limited role is attributed to the present applicant, that he is a borrower and a defaulter. Considering the same, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] In the event of arrest, the applicant – Shyam Gopal Diparkar in connection with Crime

922/2024 registered with Police Station Awadhootwadi, Yavatmal for the offence punishable under Sections 420, 406, 409, 417, 418, 421, 424, 467, 468, 471, 477(A), 120(B) of the Indian Penal Code, 1860 read with Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, shall be released on anticipatory bail, on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

- c] The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.
- e] The applicant shall not leave the jurisdiction of Yavatmal District without prior permission of the Chief Judicial Magistrate, Yavatmal.
- f] The applicant shall furnish his detailed address along with the address proof including the names of two relatives with their address and address proof, before the investigating agency.

g] The contravention of any of the condition would lead to the cancellation of bail.

5. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]