



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

CRIMINAL APPLICATION (ABA) NO.119 OF 2025

Vitthal Parasram Tawade and another
Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Warora, District Chandrapur

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

Court's or Judge's orders

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

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/03/2025

1. Apprehending the arrest at the hands of police, in connection with Crime No.474/2024 registered at Police Station Warora, District Chandrapur for the offences punishable under Sections 406, 409, 420, 120-B of the Indian Penal Code, 1860 and under Section 3 of the Maharashtra Protection of the Interest of the Depositors (in Financial Establishments) Act, 1999, the applicants approached this Court for grant of pre-arrest bail.

2. The applicant No.1 is the President and applicant No.2 is the Manager of Siddhi Vinayak Nagari Sahakari Pat Sanstha Maryadit, Warora and the accusation against the present applicants is on the basis of report lodged by the Administrative Officer, alleging that the Additional Registrar has

appointed the complainant to audit and supervise the transaction of said Pat Sanstha. The applicants who are responsible office bearers of the said co-operative society, and they have committed various illegality and irregularities, and disbursed the loan amount to the extent of Rs.92,36,192/-. They have not taken action to recover the said amount therefore loss is caused. On the basis of the said report, police have registered the crime.

3. Heard learned Counsel Mr. Sirpurkar for the applicants, who submitted that as far as the audit report is concerned, there is no allegation that present applicants have received any monetary gain by the said illegality or irregularities. The allegation is only to the extent that they not obtained the sanction before disbursement of amount and some loans are sanctioned without obtaining the sanction of the Board of Directors and they have not taken any efforts to recover the amount. Thus, at the most, it comes under the illegality and irregularities. There was no such intention to defraud by misutilising the public money. In view of that, the applicants be protected by granting anticipatory bail. He further submitted that as far as the custodial interrogation is concerned, everything is revolves around the documentary evidence which are seized by the investigating agency. In view of that, the applicants be protected by granting anticipatory bail.

4. Learned APP strongly opposed for the same and submitted that on perusal of the audit report, it reveals that incriminating documents are filed by the President, Vice President, Secretary and Manager of the co-operative Society. As far as the present applicants are concerned, who are the President and the Manager of the said society, they are looking after day-to-day activities of the said society and therefore, they are completely responsible for the said illegal transactions. In view of that, their application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers especially the audit report wherein only illegality and irregularities are pointed out. As far as the pecuniary gain by the present applicants is concerned, there is no allegation to that effect and the entire investigation revolves around the documents which are already seized by the investigating agency. In view of that, the custodial interrogation of the present applicants is not required. In view of that, they have made out a case for grant of anticipatory bail. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **No.(1) Vitthal Parasram Tawade and No.(2) Shankar Madhav Dharankar** shall be released on

anticipatory bail, in the event of their arrest, in connection with Crime No.474/2024 registered at Police Station Warora, District Chandrapur for the offences punishable under Sections 406, 409, 420, 120-B of the Indian Penal Code, 1860 and under Section 3 of the Maharashtra Protection of the Interest of the Depositors (in Financial Establishments) Act, 1999, on executing PR Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(iii) The applicants shall attend the concerned Police Station twice in a week on Sunday and Thursday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

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

(v) The applicants 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.)