



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.205 OF 2025
(Yogesh s/o Pralhadrao Gotarkar 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. PR. Agrawal, Advocate for the applicant.
Mr. A.M. Ghogare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 11, 2025.

Present application is filed by the applicant in connection with Crime No.494/2024 registered at Police Station Yavatmal, District Yavatmal for the offence punishable under Section 409, 420 read with Section 34 of the Indian Penal Code, 1860 along with Section 105 of the Maharashtra Co-operative Societies Act, 1960.

2. The crime was registered on the basis of a report lodged by Dharmaraj Vasantrao Patil, who is the Deputy Registrar of Cooperative Societies on an allegation that the Yavatmal District Kukutpalan Sahakari Sanstha is the Cooperative Society registered under the Cooperative Societies Act, 1960. The said society has obtained the loan, but the same was not repaid, and therefore, the liquidator was appointed. The liquidator was a custodian of the entire property owned by the said Kukutpalan Sahakari Sanstha as well as its record. The liquidator has issued a notice for the sale of the property after obtaining the permission, and the tender was called. It is alleged

that while publishing the tender, he has quoted a lesser amount as the consideration amount of the said property, i.e. agricultural property Gut No.200/2, admeasuring an area of 5.19 H.R. The present applicant, who is allegedly the liquidator, has quoted the lessor amount and not followed the process while floating the tender process, therefore, he is arraigned as an accused. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that the present applicant was appointed as a liquidator on 26/11/2020. Subsequently, directions were issued to him regarding the sale of the property, pursuant to which he initiated the tender process. He received three valuation reports, all quoting similar amounts with slight variations: the first estimated the value at Rs.10,89,70,000/-, the second at Rs.10,51,15,800/-, and the third at Rs.10,38,00,000/-. Accordingly, he quoted the amount of Rs.10,90,00,000/- as a tender amount. He further submitted that thus he has quoted the amount as per the valuation report. Thus, as far as the role of the present applicant is concerned, no such illegality has been committed by him as he has obtained the permission and thereafter, the valuation report was called and the e-tender process was floated by him. The applicant has cooperated with the investigating agency and his custodial interrogation is no required.

4. He also invited my attention towards the valuation reports, which show that as per the ready reckoner, the price of the said property is Rs.6,32,84,700/-. Thus, the highest amount is quoted by the present applicant in the tender process. Therefore, he cannot be claimed that he has quoted the lesser amount. As far as the allegations in the FIR is concerned, which on the basis of the hearsay material. The recitals of the FIR itself shows that the complainant was not have any personal knowledge but he came to know from the other persons and thereafter he has lodged the complaint. To substantiate the allegation, there is no material collected during the investigation. Thus, for all the above reasons, the applicant be released on anticipatory bail.

5. Learned APP strongly opposed the said application and submitted that the Government has already filed the suit for setting aside the sale-deed, and the custodial interrogation of the present applicant is required as he has quoted the lesser amount which shows his intention. In view of that, the application deserves to be rejected.

6. I have heard learned Counsel for both the sides. On perusal of the entire recitals of the First Information Report, as well as the order passed by the Additional Sessions Judge and the submissions made by the learned APP, it reveals that the tender process was issued by the Yavatmal Kukkutpalan Sahakari Sanstha.

The present applicant, who is the liquidator, has obtained the permission to sell the said properties, thereafter, he called the valuation report. The three valuation reports are around 10 Crores and some variations. Accordingly, the highest amount that Rs.10,90,00,000/- he has floated as the said tender amount, and as per the said tender amount, the earnest amount was also accepted by him, and thereafter, the property was sold. Thus, as far as the procedure followed by the present applicant is concerned, which appears to be according to the law. As far as the custodial interrogation is concerned, entire investigation revolves around the documents which are already collected by the investigating agency. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicant - Yogesh s/o Pralhadrao Gotarkar in connection with Crime No.494/2024 registered at Police Station Yavatmal, District Yavatmal for the offence punishable under Section 409, 420 read with Section 34 of the Indian Penal Code, 1860 along with Section 105 of the Maharashtra Co-operative Societies Act, 1960, be released on anticipatory bail, on executing PR. Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

(iii) 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, till investigation is completed 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 either personally or by way of electronic media.

(v) The applicant shall not leave the jurisdiction of Yavatmal district without prior permission of the District Court, Yavatmal.

(vi) The applicant shall surrender his passport if he is having before the investigating agency, till further orders.

(vii) On contravention of any of the condition would lead to the cancellation of bail.

7. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)