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

CRIMINAL APPLICATION (ABA) NO.218 OF 2025

Sunil s/o Wamanrao Sajjanwar
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. R. S. Bhalerao, Counsel for the applicant.
Ms. Swati Kolhe, APP for non-applicant / State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/04/2025

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

2. The crime is registered on the basis of report lodged by Sunita Satish Pande who is the Special Auditor. During audit, she has observed that the office bearers and the President of the Babaji Date Mahila Sahkari Bank Ltd. has obtained the loans in the names of various persons as well as disbursed the loan amount to his relatives and thereby caused

the loss to the bank. On the basis of the said report, police have registered the crime against the present applicant as well as the other co-accused.

3. Learned Counsel for the applicant submitted that the applicant has never obtained the loan merely because the other co-accused who is the President of the said bank has obtained his signature on a form and loan was obtained in his name. He is not aware about the said loan transaction also. When he received the notice of repayment of the loan, he came to know about the said loan application and disbursement of the loan on his name. He submitted that as far as the custodial interrogation is concerned, which is not required. The entire investigation revolves around the documentary evidence. In view of that, the applicant be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application and submitted that custodial interrogation is required as his loan account becomes NPA. He was not having the capacity to pay the loan. He has obtained the loan on the basis of the forged documents. In view of that, his custodial interrogation is required.

5. On hearing both the sides and on perusal of the investigation papers, it reveals that Mr. Kanchalwar who is the Chief Administrative Officer of the said bank has obtained the loan in the name of various persons and also disbursed the loan amount

to his relatives. All these irregularities and illegalities are revealed in the audit report. As far as the present applicant is concerned, admittedly, his name is not mentioned in the FIR. Considering the statement made by the learned Counsel for the applicant, at this stage, he can be protected by granting anticipatory bail. As per his contention, the loan was obtained in his name by the office bearer of the bank. Considering the investigation is in progress, the concerned documents are seized, in view of that his custodial interrogation is not required. Therefore, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The interim protection granted to the present applicant by order dated 28.03.2025 is hereby confirmed on condition that he shall attend the concerned Police Station twice in a week i.e. on every Monday and Thursday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.

(iii) 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.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate