



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

CRIMINAL APPLICATION (ABA) NO. 229 OF 2025

Jaya w/o Anil Koshatwar 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. Bhushan Dafle, counsel for applicant.

Ms. Swati Kolhe, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/05/2025.

1. The applicant is apprehending arrest at the hands of police in connection with Crime No.1102/2022 registered with Police Station Awdhootwadi, Yavatmal District Yavatmal for the offences punishable under Sections 166, 167, 409, 498, 465, 467, 468, 471, 474, 406 and 120-B read with Section 34 of the Indian Penal Code.

2. The applicant was serving as a Recovery Officer in the Bank. The complainant, Suresh Dattatraya Shinde, in the application which was filed before the Judicial Magistrate First Class, Yavatmal, under Section 156(3) of the Cr.P.C., alleged that he had borrowed a loan of Rs.50,00,000/- on 30.09.2014 from the said Bank. He repaid all the arrears of the loan on 25.02.2015, and thereafter he demanded 'No Dues Certificate' from the said bank. The same was not issued to him. On the contrary, on 07.06.2019 and 02.03.2020, the said bank

issued notices to him and demanded arrears of Rs.70,42,764/-, and therefore, he approached the said bank, and it revealed to him that on 24.04.2015 amount of Rs.39,00,000/-, on 05.05.2015 amount of Rs. 4,00,000/-, and on 13.05.2013 amount of Rs.5,00,000/- were disbursed from his loan account to his savings account, and thereafter, it was transferred by way of RTGS in the account of the Mill, which is a firm owned by the co-accused Sachin Subhashrao Madamwar and Mangesh Subhashrao Madamwar. The officials of the said bank prepared bogus documents and entries to grab the amount. Thus, he was duped by way of showing the loan amount with him. On the basis of the said report, police have registered the crime.

3. Heard learned counsel for the applicant, who submitted that now the main accused, Sachin Subhashrao Madamwar and Mangesh Subhashrao Madamwar, are already released on bail by the Apex Court. As far as the present applicant is concerned, her further custodial interrogation is not required, as she was serving as a Loan Recovery Officer. Her involvement is now not revealed from the investigation papers. He submitted that considering her custodial interrogation is also not required, she be protected by granting anticipatory bail.

4. The learned APP strongly opposed for the same and submitted that present applicant is the recovery officer, and her involvement is revealed during the

investigation, her custodial interrogation is also required. In view of that, her application deserves to be rejected.

5. After hearing both sides and on perusal of the order of the Hon'ble Apex Court, it reveals that the main accused has already passed away. The role attributed to the applicant therein is that they have received certain sums of money, and it further reveals that present applicant was a recovery officer, as far as her involvement is concerned, which revolves around the documentary evidence. The earlier application was decided by this Court on 25.07.2023, and the Hon'ble Apex Court has also granted bail to the co-accused on 07.12.2023. At this stage, nothing is on record to show that further interrogation of the present applicant by sending her in custody is not required. In view of that, the application deserves to be allowed. Accordingly I proceed to pass following order:

ORDER

- a] In the event of the arrest in connection with Crime No.1102/2022 registered with Police Station Awdhootwadi, Yavatmal District Yavatmal for the offences punishable under Sections 166, 167, 409, 498, 465, 467, 468, 471, 474, 406 and 120-B read with Section 34 of the Indian Penal Code, the applicant 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.

- b] The applicant shall attend the concerned police station once in a week on Monday between 10:00 a.m. to 01:00 p.m. and shall co-operate with the investigating agency till filing of the charge-sheet.
 - c] The applicant shall not leave the jurisdiction of Yavatmal District without prior permission of the court.
 - d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
6. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]