



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

CRIMINAL APPLICATION (ABA) NO.379 OF 2025

Sharmishta Rajesh Yawalkar

Vs.

State of Maharashtra, through Police Station Officer, Malkapur City
District Buldhana

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

Court's or Judge's orders

Ms. Punam Pisurde, Counsel h/f Mr. S. V. Sirpurkar, Counsel for the
applicant.

Ms. T. H. Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 14/07/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.375/2024 registered with Police Station Malkapur City (Economic Offences Wing), District Buldhana, for the offences punishable under Sections 406, 409, 420, 120-B and 201 read with Sections 34 of the Indian Penal Code, 1860 and Section 146 of the Maharashtra Co-operative Societies Act, 1960 and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. The crime is registered on the basis of report lodged by Sau. Aruna Manoj Vyawahare, working as Special Accounts Auditor, Cooperative Societies (Marketing), Buldhana, alleging that from the period 01.04.2022 to 31.03.2023 in respect of Unnati Mahila Nagri Pat Sanstha, Malkapur, there was certain financial defalcations were found and the

Auditor had noted that there is no control of the Board of Directors, even then employees of the Society. On the basis of the said report, police have registered the crime.

3. Heard learned Counsel for the applicant, who submitted that after she is released on ad-interim anticipatory bail, she has cooperated with the investigating agency and attended the concerned Police Station. In view of that, she be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that initially, she has not attended, but after passing of the order by this Court, she has attended the police station. There is sufficient material on record to connect the present applicant with the alleged offence, and therefore, her custodial interrogation is required. Her involvement is in an economic offence. On the basis of the said submission learned APP seeks rejection of the application.

5. From the record, it reveals that the applicant was the Director and the allegation against her that there was huge misappropriation and in the capacity of Director, she failed to pay any heed towards it. Some of the Directors are already released on bail by this Court. Considering the role attributed to them, the present applicant is also assigned with the same role that being Director, it was her duty to supervise the transactions which she

has not done and therefore, her involvement is there. Considering the fact that, with the similar role the other co-accused are already released on bail. In view of that, the ad-interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The ad-interim protection granted to the applicant by order dated 27.05.2025 is hereby confirmed on the condition that she shall attend the concerned Police Station once in a week on Monday between 10.00 to 1.00 p.m. and shall cooperate with the investigating agency, till filing of the charge-sheet.
- (iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (iv) The applicant shall provide her residential address and mobile number to the Investigating Officer and shall not leave her place of residence without prior intimation to the concerned Investigating Officer.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)