



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

CRIMINAL APPLICATION (ABA) NO. 830 OF 2024

Nasreen Begam Nasir Khan Vs State of Maharashtra and another

WITH

CRIMINAL APPLICATION (ABA) NO. 844 OF 2024

Sunita s/o Gajanan Jadhao Vs State of Maharashtra and another

WITH

CRIMINAL APPLICATION (ABA) NO. 845 OF 2024

Aparna w/o Dilip Deshpande 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

[ABA No. 830/2024]

Mr. R.D. Karode, counsel for applicant.

Mrs. Ritu Sharma, APP for non-applicant/State

[ABA No. 844/2024]

Mr. R.D. Karode, counsel for applicant.

Mr. V.A.Thakre, APP for non-applicant/State

[ABA No. 845/2024]

Mr. N.B. Kirtane, counsel for applicant.

Mr. M.J.Khan, APP for non-applicant/State

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 10/01/2025.

1. All these applications are filed by the applicants, who are the directors of the Unnati Mahila Urban Co-operative Credit Society. By these applications, they are seeking pre-arrest bail in connection with Crime No. 375/2024 registered with Police Station, Malkapur City, District Buldhana for the offences punishable under Sections 406, 409, 420, 120-B, and 201 read with Section 34 of the Indian Penal Code, and under Section 146 of the Maharashtra Co-operative Societies Act, 1960, and under Section 3 of the

Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. Learned counsels for the applicants submitted that applicants are the Directors of Unnati Mahila Urban Co-operative Credit Society, and apprehending the arrest at the hands of the police, as crime is registered on the basis of a report lodged by Aruna Manoj Vyavahare alleging that during the audit report, it revealed that there is a misappropriation of Rs.10,13,47,850/-. During the audit report, it further revealed that the Manager of the said Society had interpolated in the record of the Society and committed the misappropriation, and the applicants and the other Directors have not paid any heed towards it, due to which loss is caused to the investors as well as the public money. On the basis of said report, the police have registered the crime.

3. Learned counsels for the applicants further submitted that the applicants are protected by granting ad-interim protection considering the role attributed to them. At the most, the negligence is attributed to them. In view of that, their custodial interrogation is not required, and therefore they be protected by granting anticipatory bail.

4. Learned APP in all these applications strongly opposed the applications and submitted that considering the huge stake of misappropriation and the present applicants, who are the Directors, have signed the resolutions as well as they were present in the meeting, and therefore mere

negligence is not attributable to them, and therefore their custodial interrogation is required.

5. After hearing both sides and on perusal of the audit report, from which it reveals that the entire allegation as far as the misappropriation is concerned, is against the Manager of the Society. The present applicants are the Directors, and the allegation against them is that though there were huge misappropriations, they have not paid any heed towards the transactions which entered by the co-accused, thereby caused loss to the investors, as well as the public money. In view of that, the prayer for grant of anticipatory bail deserves to be allowed. Accordingly, I proceed to pass the following order :

- a] The criminal application (ABA) Nos.830/2024, 844/2024 and 845/2024 are **allowed**.
- b] In the event of the arrest, in connection with Crime No. 375/2024 registered with Police Station Malkapur City, District Buldhana for the offence punishable under Sections 406, 409, 420, 120-B, 201 read with Section 34 of the Indian Penal Code and Section 146 of the Maharashtra Co-operative Societies Act, 1960 and Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999, ***the applicant in Criminal Application (ABA) No. 830/2024 - Nasreen Begam Nasir Khan, applicant in Criminal Application (ABA) No. 844/2024 -***

Sunita s/o Gajanan Jadhao and Criminal Application (ABA) No. 845/2024 – Aparna w/o Dilip Deshpande are released on anticipatory bail on executing P.R. bond in the sum of Rs. 25,000/- each with one surety in the like amount.

- c] The applicants shall attend the concerned police station once in a week on every Monday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.
- d] The applicants shall not induce, threat or promise any witnesses in any manner who are acquainted with the facts of the case in any manner.

The criminal applications are **disposed of**.

[URMILA JOSHI-PHALKE, J.]