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

CRIMINAL APPLICATION (ABA) NO. 836 OF 2024

Usha Damodhar Lakhani 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. Sunil V. Manohar, Senior Counsel a/b Mr. Atharva Manohar, counsel for the applicant.
Mrs. Sneha Dhote, A.P.P. for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/01/2025.

1. Apprehending the arrest at the hands of police 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, 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 (In Financial Establishments) Act, 1999, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned Senior Counsel Mr. S.V. Manohar for the applicant, who submitted that the crime is registered on the basis of a report lodged by the Auditor alleging that the applicant has worked as Vice President as well as Director of Unnati Mahila Nagari Sahakari Pat Sanstha Limited, Malkapur. It is also alleged that in the years 2002 and 2005, loans were obtained in the name of Anjali Pant, i.e. the co-accused, and in the name of her

relatives, and the said loan amounts are not repaid. Instead of repaying the said loan amount, the co-accused adjusted the amount, and their account was termed as an N.P.A., bad debts, dividends, provident funds, etc., and closed the loan accounts. Thus, the society was duped for the amount of Rs.5,24,80,180/- and the said misappropriation was carried out with the help of the accountant Ramesh Tandule. On the basis of the said report, the present applicant is also arraigned as an accused, merely because he is the Director and Vice President of the said Pat Sanstha.

3. Learned Senior Counsel for the applicant further submitted that only because the present applicant is the Director of the said Pat Sanstha, she is implicated. In fact, there is no allegation that either she has obtained the loan amount or stood as a surety to the said loan amount. He further submitted that the entire transaction carried out by the accountant- Ramesh Tandule, and the allegation of obtaining loan is against the co-accused. As far as the present applicant is concerned, her custodial interrogation is not required, and she has cooperated with the investigating agency by attending the police station. In view of that, she be protected by granting anticipatory bail.

4. He further invited my attention towards the audit report and submitted that the said audit report, was also under challenge and the direction of the re-audit was given long back on 06/02/2024, but since then, there is no

re-audit. On the contrary, in a subsequent audit, again similar allegations are levelled against the Directors and President of the said Pat Sanstha. Considering all above facts, the applicant has made out a case for grant of anticipatory bail.

5. Learned APP strongly opposed the said application and submitted that considering the huge stake of misappropriation of amount, the custodial interrogation of the present applicant is required. However, she submitted that as far as the attendance of the police station is concerned, the applicant is attending the police station.

6. After hearing learned Senior Counsel for the applicant and learned APP for the State, perused the entire recitals of the FIR and other documents, from which it reveals that the co-accused who has obtained the loan in the name of relatives and the various employees of the said Society. The FIR is lodged on the basis of the audit report. Now, the said audit report is challenged by the co-accused, and DDR has passed an order on 06/02/2024 and directed the re-audit of the Society. The order of DDR shows that the co-accused has filed an application and pointed out some discrepancies in the initial audit. On the basis of which, the crime was registered and the re-audit is not yet carried out.

7. In view of the above circumstances, the applicant was protected by granting ad-interim protection. Now, the applicant has attended the concerned Police

Station and cooperated with the investigating agency. Moreover, there is no specific allegation against the present applicant as to the misappropriation of the amount is concerned. Considering the same, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

a] The criminal application is **allowed.**

b] In the event of the arrest, the applicant ***Usha Damodhar Lakhani*** shall be released on anticipatory 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, 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 (In Financial Establishments) Act, 1999, on executing P.R. Bond in the sum of Rs. 25,000/- with one surety in the like amount.

c] 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 cooperate with the investigating agency till filing of the charge-sheet.

d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

8. The criminal application is **disposed of.**

[**URMILA JOSHI-PHALKE, J.]**