



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

CRIMINAL APPLICATION (ABA) NO. 852 OF 2024

Jyoti Gajanan Pant Vs State of Maharashtra and another.

WITH

CRIMINAL APPLICATION (ABA) NO. 856 OF 2024

Prabhawati Madhukar Bhalbale Vs State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

ABA No. 852/2024

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

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

ABA No. 856/2024

Mr. Rahul Tajne, counsel for applicant.

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

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

1. Both the applications are filed by Directors of Unnati Mahila Urban Co-operative Credit Society, 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 counsels for the applicants, who submitted that 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/- in the Unnati Mahila Urban Co-operative Credit Society. 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 applicant 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, police have registered the crime.

3. It is further submitted by both the counsels that as far as the allegations are concerned, which is against the co-accused-Anjali Pant, that she has obtained the loans in the name of her relatives and in the name of some employees. As far as present applicants are concerned, they are implicated merely because they are the Directors of the said Society. There is no specific allegations against them. The other co-accused are already protected by this Court by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that considering the huge stake of misappropriation, and the present applicants are the Directors, their role is involved in the

misappropriation. In view of that, their custodial interrogation is required.

5. After hearing both sides and on perusal of the investigation papers, it reveals that the co-accused Anjali Pant has obtained the loans in the name of her relatives and 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 the 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.

6. Considering that, there are no specific allegations against the present applicants, who are the Directors, and the major allegations are levelled against the co-accused - Anjali Pant, and the accountant of the said financial institution. In view of that, applicants have made out a case for grant of anticipatory bail. Accordingly, I proceed to pass the following order.

- a] The criminal applications are **allowed**.
- b] In the event of the arrest, in ***Criminal Application (ABA) No. 852/2024 – Jyoti Gajanan Pant*** and ***Criminal Application (ABA) No. 856/2024 – Prabhwati Madhukar Bhalbale*** shall be released on anticipatory

bail, 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/- each with one surety in the like amount.

- c] The applicants 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.

7. The criminal applications are **disposed of**.

[URMILA JOSHI-PHALKE, J.]