



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

CRIMINAL APPLICATION (ABA) NO. 663 OF 2024

(Sau. Manisha W/o Vivek Bapat

Vs.

State of Maharashtra, Thr. P.S.O. Police Station, Malkapur City, District
Buldhana & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V.R. Deshpande, Advocate for the Applicant.
Mr. Neeraj Jawade, APP for the Non-applicant No.1/State.
Mr. Avinash Gupta, Senior Advocate a/b Mr. A.P. Chaware, Advocate for the
Non-applicant No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 23rd JUNE, 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.

2. The Applicant is apprehending the arrest at the hands of the Police as crime is registered on the basis of report lodged by Aruna Manoj Vyavahare on an allegation 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 ('the Society'). During the

audit report, it further revealed that the Manager of the said Society have 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, the Police have registered the crime against the present applicant.

3. Heard learned Counsel for the Applicant, who submitted that as far as the Applicant is concerned she is the Director of the said Society. The audit report nowhere discloses any specific role attributed to her, and other Directors are already released on bail by this Court. At the most, it can be said that, being the Director, she is not paid any heed to the transactions entered by the co-accused, and therefore, there was negligence on her part. Now, Administrator is already appointed. In view of that, the custodial interrogation is not required, and therefore, she be protected by granting anticipatory bail.

4. Learned APP for the Non-applicant No.1/State and learned Senior Counsel appearing for the Respondent No.2, strongly opposed the said application and submitted that the involvement of the present Applicant is in an economic offence. Considering the same, her custodial interrogation is required and the application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers, it reveals that, the audit report discloses

the entire allegations. As far as the misappropriation is concerned, is against the Manager of the Society and other Directors are already released on bail. As far as the present Applicant is concerned, no specific role is attributed to her and the only allegation against all the Directors that they were not paid any attention towards the transactions entered by the co-accused. Thus, considering the same, the Applicant has made out the case for anticipatory bail. Accordingly, I proceed to pass the following order:

ORDER

- i. The Application is **allowed**.
- ii. The *ad interim* protection granted to the Applicant by order dated 19.09.2024, is hereby confirmed on the condition that, she shall attend the concerned Police Station as and when required on receipt of the notice in advance from the Investigation Officer.
- iii. The Applicant shall not leave the jurisdiction of Buldhana District without prior permission of District Court Buldhana.
- iv. The Applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

- v. The Applicant shall surrender her passport if she is having before the Investigating Agency.
- 6. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)