



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

CRIMINAL APPLICATION (ABA) NO.875/2025

**Mahendra Sudam Tiwari Vs. The State of Maharashtra, Through Police
Station Officer, Police Station Ner Persopant, Tah. Ner, District
Yavatmal**

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. Adwait Manohar, Advocate for Applicant
Mr. Ujjawal Phasate, APP for Non-applicant

CORAM: NIVEDITA P. MEHTA, J.

DATED : 20th NOVEMBER, 2025

1. Issue notice to the non-applicant, returnable on 04.12.2025.
2. The learned APP waives service of notice for non-applicant and seeks time to file reply. Time as sought is granted.
3. The applicant has filed the present application for anticipatory bail, apprehending his arrest in connection with Crime No. 0485/2025, registered with Police Station Ner Parsopant, District Yavatmal, for offences punishable under Sections 420, 417, 406, and 477-A read with Section 34 of the Indian Penal Code (for short, "IPC") and Section 3 of the Maharashtra Protection of Interests of Depositors (in Financial Establishments) Act, 1999 (for short, "the Act of 1999").

4. The prosecution case, in brief, is that a complaint came to be lodged alleging several irregularities in the sanction and disbursement of loans to various borrowers, as reflected in the audit report of Ashtavinayak Credit Co-operative Society. It is alleged that, at the behest of Directors of the Society, financial losses were caused to the institution during the period from the financial year 1991–92 up to 2023–24. The present applicant has been arrayed as Accused No.8 on the premise of his role as one of the Directors of the Society. Consequent to the alleged financial irregularities, proceedings have also been initiated under Section 138 of the Negotiable Instruments Act, 1881, as well as under the provisions of the Maharashtra Co-operative Societies Act, in relation to the purported outstanding losses.

5. Learned counsel for the applicant submits that a special audit of the Society has been conducted and that, as per the audit report, the losses are primarily attributable to non-repayment of loans by several borrowers. It is emphasized that the applicant assumed office as a Director only on 03.08.2022, much after the period during which the alleged irregularities are stated to have occurred. The report itself, it is pointed out, proceeds on certain assumptions, including that some of the disbursed loans may ultimately be irrecoverable. Learned counsel further contends that the applicant has diligently discharged his responsibilities by passing

resolution in the Board meeting for recovery of outstanding dues from various accounts. It is submitted that the applicant is 60 years of age and suffers from age-related ailments. In view of these circumstances, it is urged that custodial interrogation of the applicant is not warranted.

6. Per contra, the learned Additional Public Prosecutor opposes the application, contending that the applicant, being a Director of the Society, may interfere with or obstruct the ongoing investigation, or attempt to influence witnesses and investors. It is submitted that the investigation is at a preliminary stage and custodial interrogation may be required to unearth the role of all persons involved.

7. Having given anxious consideration to the rival submissions and upon examination of the material placed on record, this Court finds that the applicant has no criminal antecedents and is not shown to be a flight risk. The relevant audit report and connected documents are already in the possession of the Investigating Officer. The applicant's limited tenure as Director, coupled with his advanced age and medical condition, also merit consideration. At this stage, no material has been placed before the Court to demonstrate that custodial interrogation of the applicant is indispensable for the progress of investigation. In the circumstances, this Court is satisfied that the applicant has made out a case for

grant of ad-interim anticipatory bail. Hence, the following order.

ORDER

I. In the event of arrest of the applicant in Crime No. 0485/2025, registered with Police Station Ner Parsopant, District Yavatmal, for the offences punishable under Sections 420, 417, 406, 477-A read with 34 of the IPC and Section 3 of the Act of 1999, the applicant shall be released on furnishing solvent surety of Rs.25,000/- with PR bond of like amount.

II. The applicant shall attend the concerned Police Station as and when called by the Investigating Officer and shall co-operate with the investigation.

IV. Interim protection shall operate till 04.12.2025.

(NIVEDITA P. MEHTA, J.)

MP Deshpande