



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

24 ANTICIPATORY BAIL APPLICATION NO. 46 OF 2024

Nilesh S/o Tukaram Andure,
Age; 40 years, Occ; Business,
R/o; Kharwandi Kasar,
Tq. Pathardi, Dist. Ahmednagar.

...APPLICANT
(Accused No. 4)

VERSUS

1. The State of Maharashtra,
Through the Police Inspector,
Police Station, Pathardi, Tq. Pathardi,
District Ahmednagar.

2. The Superintendent of Police,
Ahmednagar, Tq.& Dist.
Ahmednagar.

...RESPONDENTS.

...
Advocate for Applicants : Mr. R.D. Kawade and Mr. R.P. Pagare
APP for Respondents/State : Mr. D.J. Patil
...

WITH

ANTICIPATORY BAIL APPLICATION NO. 49 OF 2024

Navnath s/o Bhagwan Dhaiwal,
Age; 65 years, Occ; Business,
R/o; Kharwandi Kasar,
Tq. Pathardi, District; Ahmednagar.

...APPLICANT
(Orig. Accused No. 17)

VERSUS

1. The State of Maharashtra,
Through the Police Inspector,
Police Station, Pathardi, Tq. Pathardi,
District Ahmednagar.

2. The Superintendent of Police,
Ahmednagar, Tq.& Dist.
Ahmednagar.

...RESPONDENTS.

...
Advocate for Applicants : Mr. R.D. Kawade and Mr. R.P. Pagare
APP for Respondents/State : Mr. P.J.Bharad
...

CORAM : MEHROZ K. PATHAN, J.

DATE : 06.04.2026.

PER COURT :

1. Heard the learned counsel appearing for the respective parties.

2. The applicants in both the applications approached this Court for grant of anticipatory bail in crime No.1210 of 2023 registered with Pathardi Police Station, District Ahmednagar for the offence punishable under Sections 406, 420, 467, 468, 471 r/w 34 of the Indian Penal Code.

3. The prosecution story is that according to the prosecution, the complaint is lodged by informant Mehendra Tulshiram Ghodke, Auditor, Co-operative Societies, contending that during the period from 1992 to 31/03/2021 the accused persons were members of Board of Directors and servants of the Bhagwangad Audyogik Utpadak Sahakari Sanstha, Kharvandi Kasar, Taluka Pathardi, District Ahmednagar. The audit of the said society for the period from 05/08/1992 to 31/03/2021 has been conducted during

which concerned authorities noticed certain irregularities in the conduction of business and affairs of the said Society. Grievance is also in respect of 25 plots which were meant for members of the Society and for the Society including Plot No.10 out of Gat No.93/3B/pai and alienation of its area of 87.50 R. Alienation is made by person who was not authorized to do so. In all names of 45 persons is mentioned against whom criminal action is proposed. Likewise, civil action is also proposed in the said audit report. Thus, accused persons have cheated and defrauded the Society and members of said Society. Accordingly, the Crime was registered.

4. The learned counsel for the applicant/s submits that this Court vide order dated 15.01.2024 has protected the applicants with a condition to attend the police station and to co-operate with the investigation. The applicants have attended the police station and also co-operated with the investigation.

5. The accused Navnath is a member of the society and owns plot bearing No. 17 in the said layout, allegedly carved out by the society despite of the N.A. order specifically prohibiting the selling of the plots.

6. The evidence is in the nature of documents. The custodial interrogation of the applicants is not necessary. The investigation is

almost completed. The applicants are not having any criminal antecedents and they are ready to abide any of the conditions imposed by this Court, therefore, the applicants may be protected.

7. As against this, the learned APP strongly opposed the present applications on the ground that applicants are party to the conspiracy hatched by the society members, wherein, they had obtained permission to convert the land from agricultural to non agricultural (for short "N.A.") on the pretext of industrial plots. The N.A. order itself would show that the N.A. permission was granted for establishing industry and there is specific clause prohibiting conversion of land or selling plots to any individuals. The applicants being members of the society have converted plots and in some cases had even sold plots to the subsequent purchasers. The offences are serious in nature, therefore, the custodial interrogation of the applicants is necessary.

8. I have gone through the investigation papers made available by the learned APP. The original N.A. order is dated 16.08.1994. The perusal of the said N.A order shows that some sanction was granted for establishing industry, however, there is specific condition that the same shall not be converted into making layout plots and the plots shall not be sold to individuals. The applicants are members of the Bhagwan Gad Industrial Producers

Co-Operative Society and have formed the said society by purchasing land of 87.50 R and converted it to N.A. purpose and for use of small scale Industries. They have acted in connivance of the other accused and got sanctioned 25 plots in the name of the Society, i.e. in the names of 24 members and thereafter, they have fraudulently got the said plots mutated in their own names and sold out 9 plots out of the said plots for an amount of Rs. 22 Lakhs to 25 Lakhs.

9. Be that as it may, the applicants are protected by the interim orders passed by this Court vide order dated 15.01.2024. The learned APP informs that the applicants have attended the police station and co-operated with the investigation. The evidence being the documentary in nature, therefore, I see no impediment to continue the interim orders since the investigation appears to be almost completed, which can be seen from the investigation papers made available by the learned APP.

10. Since the investigation is almost completed, the custodial interrogation of the applicants at this stage is not be necessary. Thus, I am inclined to exercise the discretion vested under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to protect the applicants. Hence the following order :

ORDER

(a) Both the Anticipatory Bail Applications Nos.

46 of 2024 and 49 of 2024 are allowed.

(b) The interim order 15.01.2024 passed by this Court is confirmed on same terms and conditions.

(c) The Applicants Nilesh S/o Tukaram Andure and Navnath s/o Bhagwan Dhaiwal, shall attend Pathardi Police Station, District Ahmednagar on 17th, 18th, 23rd, 24th, 30th April, 2026 between 11:00 am. to 01:00 pm. and co-operate with the Investigating Officer and present themselves before the Investigating Officer as and when called, till filing of the charge-sheet on following terms on conditions :

(i) The applicants shall not tamper with the prosecution evidence and co-operate with the investigation.

(ii) The Applicants shall submit their Aadhar Cards and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of themselves and two of the near relatives each.

(iii) Any single violation of the act on the part of the applicants shall entail the prosecution to file application for cancellation of the bail of the applicants.

(iv) The applications are disposed of.

(MEHROZ K. PATHAN, J.)