



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

ANTICIPATORY BAIL APPLICATION NO. 809 OF 2024

**ASHA PRAKASH DIGE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Dixit Sushant V.

Addl.PP for Respondents/State : Mr. A. S. Shinde

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**CORAM : MEHROZ K. PATHAN, J.
DATE : 27th JANUARY 2026**

PER COURT :

1. Heard the learned Counsel for the Applicant, and the learned APP for the State.
2. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.82/2024 registered with Wadwani Police Station, District Beed for the offences punishable under Sections 409, 420, 467, 468, 470, 471 read with 34 of the Indian Penal Code.
3. The learned Counsel for the Applicant submits that this Court vide order dated 15.05.2024, had protected the Applicant with the condition that he shall attend the Investigating Officer once in a week. Subsequently, this Court, vide order dated 17.04.2025,

modified the earlier interim order dated 15.05.2024 and directed the Applicant to attend the police station as and when called by the Investigating Officer. The learned Counsel further submits that the Applicant has duly attended the Investigating Officer and complied with the interim orders dated 15.05.2024 and 17.04.2025. The Applicant has cooperated with the investigation and furnished details regarding the transaction that had taken place.

. It is further submitted by the learned Counsel that the Applicant, being the Chairman of the cooperative society, have filed an application dated 09.02.2017 seeking permission to sell the property of the cooperative society, namely land admeasuring 41R. The learned Assistant Registrar, Cooperative Societies, vide communication dated 28.10.2017, granted permission to the Applicant to sell the said property. The Applicant thereafter took steps of publishing advertisements in newspapers, thereby inviting prospective bidders to purchase the said land. The land was subsequently sold by executing a sale deed dated 14.04.2018, and the entire consideration amount was deposited in the bank. The allegation that the land was sold despite the appointment of an Administrator on the said society is misconceived, inasmuch as neither the Applicant nor other society members were ever made aware of any such appointment of a Liquidator. On the contrary, the Applicant has been conducting the audit of the society and submitting the same to the competent authority. The Auditor, namely Mr. Gore, as well as the Assistant Registrar, Mr. Shivaji Ghule, who had granted the permission, were also made accused.

. The said co-accused had applied for anticipatory bail, and vide order dated 03.05.2024, this learned Sessions Court granted relief in BA No.151/2024 (Dhanyakumar v. State), BA No.155/2024 (Amol Mane), and BA No.157/2024 (Shivaji Ghule). The learned Counsel for the Applicant therefore submits that, in view of the anticipatory bail granted to all other co-accused persons, the Applicant is also entitled to bail on the principle of parity, as he stands on the same footing.

4. It is further submitted that as the Applicant complied with the conditions and attended the police station, nothing remains to be recovered at the instance of the present Applicant. Hence the interim orders dated 15.05.2024 and 17.04.2025 shall be continued and confirmed by releasing the Applicant on anticipatory bail.

5. As against this, the learned APP strongly opposes the present application on the ground that the Applicant is the main accused and hence denied the anticipatory bail. The Applicant, being the Chairman of the society, was well aware that the society had gone into liquidation vide order dated 21.11.2011 and that a Liquidator had already been appointed. The Applicant misled the authorities and obtained permissions from the concerned Assistant Registrars, Cooperative Societies, first in the year 2014 and again in 2017. The Applicant thereafter sold the property, worth Rs. 50 lakhs, for a lesser consideration of Rs. 13.90 lakhs. Though the Applicant attended the police station, she failed to cooperate with the

investigation and did not divulge details of the consideration amount, which is shown to have been withdrawn by her in the bank statement of the cooperative society's account. The Applicant has thus misled the authorities and is not entitled to protection under the discretionary powers of Section 482 for grant of anticipatory bail.

6. I have gone through the investigation papers and the interim orders dated 15.05.2024 and 17.04.2025. The perusal of the investigation papers shows that the Applicant attended the police station on the dates and times as directed by this Court in the interim orders, and thereafter as and when called by the Investigating Officer. The Applicant has relied upon the permissions dated 28.10.2017 and 03.01.2014 granted by the competent authority, namely the Assistant Registrars, Cooperative Societies. The plea of the Applicant that he was not aware of the appointment of any Liquidator of the society appears to be probable, as even the authorities, who themselves were expected to be aware of such an appointment, granted permission to the cooperative society for sale of the said land. After receiving permission from the competent authority, the Applicant took appropriate steps by issuing advertisements in newspapers and thereafter executed the sale deed in the year 2018, i.e., on 14.04.2018, almost one year after receiving last such permission. Thus, the Applicant's plea of being unaware of the appointment of the Liquidator of the society appears to be probable at this stage. However, these observations are prima facie in nature and are made only for the purpose of deciding the present

application, and the same shall not in any manner influence the trial Court.

7. Taking into consideration the fact that the Applicant attended the police station and cooperated with the investigation, I am inclined to protect the Applicant in the exercise of powers under Section 482 BNS. Hence the following order :

ORDER

- (i) The application is allowed.
- (ii) The interim orders dated 15.05.2024 and 17.04.2025 are hereby confirmed.
- (iii) The Applicant shall attend the Wadwani Police Station, District Beed on every Saturday till filing of the charge-sheet.
- (iv) The Applicant is directed not to threaten the prosecution witnesses.
- (v) Any single violation, such as committing a similar offence or threatening the witnesses, would entitle the prosecution to seek cancellation of bail.
- (vi) The application stands disposed of.

MEHROZ K. PATHAN
JUDGE