IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 499 OF 2026

LOTAN BABURAO DHOBI
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mrs. Jakhade Rutuja L.

APP for Respondents/State : Mr. R.K. Ingole

...

CORAM : MEHROZ K. PATHAN, J.
DATE : 1st APRIL 2026

PER COURT :

1. Heard the learned Counsel for the Applicant and the learned APP for the Respondent/State.

2. The Applicant has approached this Court, seeking anticipatory bail application in connection with Crime No.202/2026 registered with Shahada Police Station, District Nandurbar for the offences punishable under Sections 477-A, 471, 468, 467, 465, 420, 418, 409, 403, 406 and 120-B of the Indian Penal Code, 1860.

3. The case of the prosecution is that the informant is an auditor of cooperative societies. The informant was appointed by the DDR, Nandurbar, by order dated 08.05.2023, to carry out the Test Audit Report of the cooperative society in question for the period from 01.04.2017 to 31.03.2022. As per the audit report, the

informant found misappropriation of Rs.2,33,87,586/-. The informant accordingly obtained sanction for prosecution from his higher authorities, and after receipt of the sanction, the present First Information Report was lodged. By and large, the allegations made in the First Information Report are that the amount was withdrawn from the overdraft account through cheques, but no ledger entry was made. The amounts withdrawn from the account through cheques were not entered into the daybook register. Cash is shown to have been deposited in the overdraft account, but was not actually deposited. The deposits shown in the daybook are less than the actual collections. The amounts collected towards loans and their interest were received in cash, but not recorded in the daybook. Though receipts were issued to depositors, their entries were not taken into the daybook. Amounts collected from daily depositors were also not entered into the daybook account. Upon cognizance being taken by the Shahada Police Station, the aforementioned FIR was filed against them.

4. The learned Counsel for the Applicant submits that the Applicant was director of the said Society and were not managing the day-to-day affairs of the Society, namely Dr. R.F. Patil Nagari Sahakari Patsanstha Maryadit, Shahada, District Nandurbar (hereinafter referred to as ‘the Society’ for the sake of brevity). The perusal of the FIR itself would show that all the allegations are directed towards four accused persons, namely Shri Ramdas Patil (Chairman), Kishor Patil (Secretary), Sunil Salanke (Clerk), and Deepak Bhausar (Peon),

who were working in the said Cooperative Society. The Applicants were merely directors and were signatory to certain resolutions only in their capacity as directors of the said Society, without any intention to cheat the Society or commit any misappropriation. The Applicant has deep roots in the society and is not flight risks. The Applicant was issued a notice under Section 35(3) of the BNSS by the prosecution; however, they did not attend before the Investigating Officer apprehending arrest. The Applicant has no criminal antecedents and is ready to abide by any conditions that may be imposed by this Court, if he is protected from arrest and granted anticipatory bail.

5. As against this, the learned APP Mr. Ingole strongly opposes the present application on the ground that the Applicant has been added as accused on the basis of the test audit report conducted by the auditor pursuant to the directions issued by the Cooperative Department. The FIR was filed after obtaining permission from the competent authority. Though the Applicant is not directly named in the FIR as being responsible for the loans obtained fraudulently, the Applicant, being Directors of the said Cooperative Society, had sanctioned various expenditures and loans to borrowers who subsequently failed to repay. The investigation is going on, and therefore custodial interrogation of all the Applicant, being directors of the Society, is necessary. The proceedings would show that the Applicant is signatory to most of the resolutions passed by the Cooperative Society, thereby approving the fraudulent expenditure

shown by the four accused named in the FIR, as well as other resolutions sanctioning loans. Thus, the role of the Applicant is clearly made out in the primary investigation carried out by the Investigating Officer. Hence, for completing the investigation in its entirety, custodial interrogation of the Applicant is required.

6. I have gone through the investigation papers made available by the learned APP and the proceedings books signed by the present Applicant. A perusal of the investigation papers shows that the basic allegations of sanctioning fraudulent loans and bogus expenditure are directed against the four accused named in the FIR, namely Shri Ramdas Patil (Chairman), Kishor Patil (Secretary), Sunil Salanke (Clerk), and Deepak Bhausar (Peon). The FIR further shows that in most of the reported transactions, which have been found prima facie fraudulent by the auditor, Kishor Patil (Secretary) and Sunil Salanke (Clerk) are shown to be responsible. The role of the Applicant is not specifically stated either in the test audit report or in the First Information Report. The further allegation that the Applicant signed resolutions as Director of the Society does not indicate that the Applicant was beneficiaries of any such fraudulent loan transactions. The investigation papers further show that the Applicant was issued a notice under Section 35(3) of the BNSS, which itself suggests that his custodial interrogation was not found necessary to the Investigating Officer, subject to their cooperation.

7. The learned APP relies upon the judgment of the Hon'ble

Supreme Court in **Serious Fraud Investigation Officer Vs. Aditya Sarda, 2025 INSC 477**, to submit that anticipatory bail shall not be granted in economic offences involving large-scale fraud, public money, or complex financial crimes. It is true that anticipatory bail is not to be granted as a matter of routine in economic offences. However, the Hon'ble Supreme Court in **P. Chidambaram Vs. Central Bureau of Investigation, AIR 2019 SC 5272**, has held that simply because the offence is economic in nature, the same would not by itself preclude the Court from taking into consideration the role of each of the accused in the said crime and then exercising its discretion to grant anticipatory bail.

. The relevant observation of the Hon'ble Supreme Court in P. Chidambaram (cited supra) is as under :

> *91. Thus, from cumulative perusal of the judgments cited on either side including the one rendered by the Constitution Bench of this Court, it could be deduced that the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial....*
> ***In that regard what also to be kept in perspective is that even if the allegation is one of grave economic offence, it is not a rule that bail should be denied in every case since there is no such bar created in the relevant enactment passed by the legislature nor does the ball jurisprudence provide so...***
> ***But ultimately the consideration will have to be on case-to-case basis on the facts involved therein and securing the presence of the accused to stand trial.***

8. The Applicant has undertaken to cooperate with the investigation. Taking into consideration his limited role, as signatory to the resolutions passed, as Director of the Cooperative Society, I

am inclined to protect the Applicant. The apprehension of the learned APP can be taken care of by imposing stringent conditions upon the Applicant. Hence, the following order:

ORDER

(i) In the event of arrest of the Applicant - Lotan Baburao Dhobi in connection with Crime No.202/2026 registered with Shahada Police Station, District Nandurbar for the offences punishable under Sections 477-A, 471, 468, 467, 465, 420, 418, 409, 403, 406 and 120-B of the Indian Penal Code, 1860, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousands) with two solvent sureties in the like amount, on the following conditions :

(ii) The Applicant is directed to attend Economic Offences Wing, Nandurbar on 8^{th}, 9^{th}, 15^{th}, 16^{th}, 22^{nd} and 23^{rd} April of 2026 between 11:00 am. to 01:00 pm. and co-operate with the Investigating Officer and thereafter as and when called by the Investigating Officer till the filing of the charge-sheet.

(iii) The Applicant shall give his specimen handwriting and signatures to the Investigating Officer.

(iv) The Applicant is directed not to tamper with the evidence and shall not threaten the complainant or the witnesses.

(v) The Applicant shall attend the trial on each and every date unless so exempted by the trial on emergency conditions.

(vi) The Applicant shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(**vii**) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the Applicant on that ground.

(**viii**) With the aforesaid directions, the application is disposed of.

MEHROZ K. PATHAN
JUDGE

NAJEEB..