

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.449 OF 2026**

Swarajya Balasaheb Shinde	... Applicant
V/s.	
The State Of Maharashtra	... Respondents

Mr. Vikas Shivarkar a/w Mr. Vivek Joshi, Advocate for the Applicant.
Ms. R. V. Newton, APP for the Respondent.
PSI Pramod Shinde, Shivajinagar Police Station.

CORAM : MADHAV J. JAMDAR, J.

DATED : 17th FEBRUARY 2026

P.C.:

1. Heard Mr. Shivarkar, learned Counsel appearing for the Applicant and Ms. Newton, learned APP for the State.

2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), the Applicant is seeking pre-arrest bail in connection with C.R. No.332 of 2025 registered with Shivajinagar Police Station, Pune City, for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code, 1860.

3. The prosecution case and the reasoning given by learned Additional Sessions Judge, Pune while rejecting Criminal Bail

Application No.8836 of 2025 filed by the present Applicant are reflected in Paragraph Nos.7 and 8 of the order dated 6th February, 2026 passed by learned Additional Sessions Judge, Pune which read as under:-

“7. On perusal of material available on record it appears that, on 22.12.2025 the informant who is the Auditor had lodged report contending therein that he had carried the Audit of Krushnakant Kudale Nagarik Sahakari Patsanstha Ltd. Pune for the period from 01.04.2015 to 31.03.2019 in which it reveals that the Director and Manager of said Patsanstha had committed misappropriation for an amount of Rs.1,00,97,655/-.

8. The applicant had contended that, during said period he was working as the Recovery Officer of said Patsanstha and was not concerned with the management of said Patsanstha. The contents of the report shows that, the re-audit was carried for the period from 01.04.2015 to 13.03.2019. The applicant alongwith the application had annexed the copy of the order of District Sub-Registrar dated 20.05.2017. On perusal of said order it appear that, the designation of the applicant is written as Recovery Officer. But, the authorities given to him as per the said order was of Brach Manager. The statement of witnesses further shows that, the applicant had employed them as the employee of said Patsanstha. The said fact shows that, during said period the applicant was involved in the management of said Patsanstha. The misappropriated amount is to be tune of Rs.1,00,97,677/- . The said amount is to be recovered at the instance of applicant. It is also to be verified from the applicant who others are also involved in the offence. Therefore, the custodial interrogation of the applicant is necessary for the purpose of recovery and discovery. The investigation of the offence is at primary stage.

Therefore, if the applicant is released on anticipatory bail there are chances he may pressurize the witnesses and tamper the evidence of prosecution. Therefore, taking into consideration all the above facts in my opinion, the applicant is not entitled to the discretionary relief of anticipatory bail. In view thereof, I proceed to pass following order.

ORDER

Application rejected.”

4. It is the submission of Mr. Shivarkar, learned Counsel appearing for the Applicant that, the Krushnakant Kudale Nagarik Sahakari Patsanstha Ltd, Shivajinagar, Pune was established in the year 1987. The founder and Chairman of the said Patsanstha i.e. Krushnakant Kudale passed away on 10th February, 2019 and the Chief Manager – Manjusha Sabane also passed away on 23rd May, 2019. He submitted that after death of these two persons who were the main functionaries of said Patsanstha, disputes started between the Directors the said Patsanstha and the family members of said deceased Krushnakant Kudale. Due to the same the Applicant resigned from the Society on 3rd June, 2021 and his resignation was accepted by Directors Resolution dated 15th July, 2021.

5. Learned Counsel submitted that as the dues of the Applicant who was working in the said Patsanstha as Recovery Officer were not paid,

he filed Payment of Gratuity Application No.86 of 2022 seeking gratuity and Application (IDA) No.44 of 2022 in the learned Labour Court, Pune. He further submitted that, in the meantime, as there were disputes between the directors and the family members of the deceased- Krushnakant Kudale, a Statutory Audit was conducted under the provisions of the Maharashtra Co-operative Societies Act, 1960. Thereafter, a Test Audit was carried out, followed by a re-audit. Pursuant to the said audits, the FIR was lodged on 22nd December 2025.

6. Mr. Shivarkar, learned Counsel for the Applicant further submitted that the FIR concerns the events which took place between 1st April, 2015 and 31st March, 2019. However, the FIR has been filed after a period of six years, i.e. on 22nd December 2025. He submitted that, at the relevant time, the applicant was working as a Recovery Officer of the said Patsanstha and had no role in the day-to-day functioning of the said Patsanstha. He further submitted that there are no criminal antecedents against the applicant. The applicant is willing to cooperate with the investigation. Therefore, the Anticipatory Bail Application be allowed.

7. On the other hand, Ms. Newton, learned APP, strongly opposes the Anticipatory Bail Application. She submitted that the Applicant was

appointed as a Branch Manager and was therefore, authorized to sign documents, including cheques, pertaining to the account of the Patsanstha maintained with Shamrao Vitthal Co-operative Bank, Deccan Gymkhana, Pune. She also relied upon the letter dated 23rd March, 2015 in relation to the sale deed. She further submitted that the offences are very serious concerning the misappropriation of huge amounts to the extent of Rs.1,00,97,655/-. She therefore submitted that the Anticipatory Bail Application be dismissed.

8. Perusal of the record shows that, even as per the FIR lodged on 22nd December, 2025, the alleged period of occurrence of the offence is from 1st April, 2015 to 31st March, 2019. Thus, the offence has been registered after about six and a half years.

9. *Prima facie*, there is substance in the contention that FIR has been lodged as there are disputes between the Directors of the said Patsanstha and the family members of founding member-deceased-Krushnakant Kudale.

10. Even the FIR shows that most of the allegations are made against deceased Chief Executive Officer of Patsanstha Ms. Sable. The Applicant at the relevant time, was working as a Recovery Officer as well as the Branch Manager. Thus, in the facts and circumstances and as there is no

other antecedent, case is made out for grant of Anticipatory Bail Application.

11. Accordingly, the Applicant is entitled to pre-arrest bail. Hence, following Order is passed:

ORDER

(i) In the event of arrest, of the Applicant - Swarajya Balasaheb Shinde in connection with C.R. No.332 of 2025 registered with Shivajinagar Police Station, Pune City, he be released on bail on executing PR. bond of Rs.1,00,000/- and furnishing one or two sureties in the like amount.

(ii) The Applicant shall attend the concerned Police Station on 23rd February, 2026 and 24th February, 2026 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called by the Police and shall co-operate with the investigation.

(iii) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(iv) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(v) The Applicant shall not leave India without prior permission of the Court.

(vi) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant, or any witness, in any manner.

12. The Anticipatory Bail Application is allowed and disposed of accordingly.

(MADHAV J. JAMDAR, J.)