MHAU010066852023

Cri. Bail Appln. No.1658/2023
Lalita Vs. The State.

ORDER PASSED BELOW EXHIBIT-1

1. This application is filed by the applicant under section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.) for enlarging her on pre-arrest bail in C.R.No. 455/2023, of the CIDCO Police Station, Aurangabad for the offence punishable under sections 120-B, 217, 34, 406, 409, 420, 465, 467, 468, 471 of Indian Penal Code 1860 (IPC) and Section 3 of the Maharashtra Protection of Investors and Depositors Act, 1999.

2. It is the case of the applicant that she is innocent lady, has not committed any offence, she is suffering from ill-health, she has one and half year old baby, who is depending upon the applicant. It is also her contention that she has been suspended from 2016 till the year 2021. It is also contended by her that she was called and her signatures were obtained only at the time of election of Aurangabad District Central Cooperative Bank 2021. She never participated in the loan transactions. It is also her contention that she never participated in any of the illegal activities nor she is beneficiary of any credit facility. Hence, she prayed for bail.

4. Say of the investigating officer and the APP is called. They objected this application by filing their say at Exhibit-5 and contended that applicant is absconding since the registration of the crime and being the director of the credit society she has participated directly in the activities of the credit society. It is also their contention that there are 23 loan cases, where the loan has been disbursed without legal and necessary documentation. It is seen that there are serious irregularities and the entire loan transactions were given sanction by the board of directors in their meeting dated 30.04.2019 and the present applicant by remaining present in the said meeting gave sanction to the said resolution and put her signature and so they prayed for rejection of the application saying that it is necessary to collect all the information about the properties of the directors and their family members and so, her custody is necessary.

5. Heard both the sides at length. Both the sides argued on their specific line of stand.

6. I have gone through the FIR. The complaint is filed by Special Auditor class-2, namely Dhananjay Chavan, who upon the order of DDR, Aurangabad filed the instant complaint, on the contention that he has filed a test audit report for the period of 2016 to 2019 on 13.06.2023 of Aadarsha Nagri Sahakari Pat Sanstha Maryadit, ("the said credit society" for short) wherein he listed 23 loan cases, noting the serious irregularities and misappropriation of Rs 91,97,44,064/- at the end of 31.03.2019. He also added in the

complaint that this misappropriation is made to defraud the common depositors. It is further his allegations that the recovery is very less due to the irregularities committed while disbursing the loan amounts. It is also alleged that the loan applications are incomplete, without verification of the places of residences of the borrowers and without obtaining mortgages. It is also alleged that consequently it resulted in causing losses to the credit society and this is done in collusion, in order cause wrongful gain to the specific borrowers and office bearers of the said credit society and wrongful loss to the deposits of the depositors of credit societies. The complainant also enlisted the names of the borrowers who have wrongfully gained.

7. I have further gone through the documents filed by the applicant. From the document birth certificate of the applicant's baby, it is seen that her baby is one and half year old baby. Some medical papers are also filed which shows that the said baby has been diagnosed with small size left multicystic dysplastic of the kidney. The report also shows that right side kidney of the baby is normal.

8. The learned APP relied on the copies of noting of minute-books. These minute-books shows that the applicant signed the resolutions dated 31.12.2021, 31.01.2022, 27.08.2022, 27.09.2022, 29.09.2022, 15.10.2022, 27.09.2021, 18.01.2023, 28.02.2023, 31.03.2023 and 30.12.2022, which shows that she has actively participated in the work of the credit society.

9. The applicant though came with the case that she was suspended but no document is filed by her to show that she was not participated. Considering the fact that as per allegations in the FIR, there is huge misappropriation which more than 100 crores, further considering the fact that the deposits of hundreds of depositors are at stake, deep and thorough investigation is needed. Considering the nature and gravity of the offence, seriousness and scope of the investigation, I hold that the custody of the applicant is must. Hence, the following order is passed.

ORDER

The application is rejected.

DISTRICT COURTS MAHARASHTRA

Digitally signed by SHARANJEET KOUR JEEVANSINGH RAMGADIYA
Date: 2023.08.23 18:45:20 +0530

(Smt.S.J.Ramgadiya)
Additional Sessions Judge,
(Court No.6) Aurangabad.

Date : 19.08.2023.

CERTIFICATE

I affirm that the contents of this PDF file order are same, word to word, as per the original order.

Name of the Stenographer	:	S.V. Kondekar, Stenographer (Grade-I)
Court	:	Smt. S.J. Ramgadiya, Dist.Judge -06 and Additional Sessions Judge, Aurangabad.
Date of Order	:	19.08.2023
Order signed by the Presiding officer	:	23.08.2023
Order uploaded on	:	23.08.2023