



(1)

19 aba 437-2026

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 437 OF 2026

Shahzad Abid Ali Sayyad Vs. State of Maharashtra, through its Police Station Officer, Police Station Rajura, District Chandrapur

WITH

CRIMINAL APPLICATION (ABA) NO. 426 OF 2026

Sheikh Salim Sheikh Rasul and others Vs. State of Maharashtra, through its Police Station Officer, Police Station Rajura, District Chandrapur

WITH

CRIMINAL APPLICATION (ABA) NO. 373 OF 2026

Kunal Nilkant Kude Vs. State of Maharashtra, through its Police Station Officer, Police Station Rajura, District Chandrapur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Abdul Subhan, Advocate for applicant in ABA No. 437/2026
Shri A. A. Dhawas, Advocate for applicant in ABA No. 373/2026
Shri Arjun U. Deshmukh, Advocate for applicant in ABA No. 426/2026
Shri K.R. Lule, APP for non-applicant/State.

CORAM : PRAVIN S. PATIL, J.

DATED : 12.06.2026

1. In all these matters, the offences are arising out of the same crime number and the applicants are the Directors and Treasurer of Sasti Colliery Koyala Khadan Karmachari Sahakari Path Sanstha Maryadit, Sasti. Hence, all these complaints are decided by this common order.

2. The applicants herein are apprehending their arrest in Crime No. 0409/2026, registered with Police Station Rajura, District Chandrapur, for the offences

punishable under Sections 406, 408, 420, 467, 468, 471 r/w 34 of the Indian Penal Code.

3. In brief, the case of the prosecution is that the Class-I Auditor of the Cooperative Society has conducted the audit of the Society for the period of 01.04.2022 to 31.03.2024. During the course of the audit, it was revealed that the present applicants, who are the Directors and Treasurer of the Path Sanstha, had committed certain irregularities and misappropriated the funds of the Society.

4. According to the Auditor, the persons namely, Ramrao Datarkar, Suresh Tiple and Raju Adbale, who were not even the members of the Society, in their names, the loan has been sanctioned by the Managing Committee. The Auditor further observed in the report that the present applicants have disbursed the loan amount of Rs.10,00,000/- each illegally, namely, Bandu Ghotekar, Manoj Upare and Anjaya Tumalla, who are reported to be dead. As such, it is alleged that the present applicants, by preparing false and forged document of the proposal of loan, has disbursed the amount in favour of such persons. On the basis of this complaint and by relying upon the provisions of the Maharashtra Cooperative Societies Act 1960, wherein, it is stated the Board of Directors are jointly and severally liable for the decisions taken during their tenure in the office, the offence came to be registered against the applicants in the matter.

5. The present applicants who approached before this Court came with a specific submission that as per the bye-laws of the Society and the settled procedure, which is followed by the Co-operative Society is that when any person applies for a loan, the said loan application is verified by the concerned officer of the Society and after its verification, same was placed before the Board of Directors. In the meeting of the Board of Directors, they have to verify whether the documents annexed along with application are trustworthy or not and that on the basis of proposal put before them, the resolution is passed in the meeting to sanction the loan.

6. After the resolution of the Society, the Manager of the Bank used to follow the further process of disbursing the loan of the concerned person. As such, according to the present applicants, they are the only signatories of the resolutions and are not involved in any alleged offence in the matter.

7. The learned APP has strongly opposed the present application. According to the learned APP, the audit report, which is a basic document in the matter clearly establishes the fact that the present applicants have sanctioned the loan to the persons who are not the members of the Society, namely, Ramrao Datarkar, Suresh Tiple and Raju Adbale. Therefore, *prima facie* their involvement in the alleged offence is clear. The learned APP further stated that three persons namely, Bandu Ghotekar, Manoj Upare and Anjaya Tumalla, to whom

Rs.10,00,000/- has been sanctioned, two persons, out of these three are expired and according to him, in the name of the dead persons, the loan has been sanctioned in the matter. According to the learned APP considering this aspect of the matter, the custody of the present applicants is required to get the details of *modus operandi* in the matter.

8. The learned Counsel appearing for the applicants has categorically pointed out that the loans were sanctioned to Bandu Ghotekar, Manoj Upare, Anjaya Tumalla in the year 2023. Bandu Ghotekar is expired in the month of February, 2026, and Anjaya Tumalla was expired in the year 2025. According to the applicants, the death of these persons is after obtaining the loan from the Path Sanstha. Therefore, *prima facie*, the allegations levelled against them are incorrect.

9. The applicants also pointed out that loan disbursed to Ramrao Datarkar, Suresh Tiple, and Raju Adbale was already repaid by those persons to the Bank and, therefore, at the most, it can be said that there was an irregularity committed by them while disbursing the loan, but, in any case, it cannot be considered as an offence in the fact and circumstances of the matter.

10. It is further pertinent to note that in one of the matters bearing Criminal Application (ABA) No. 373/2026, this Court has granted interim protection to one of the office bearers namely Kunal Nilkant Kude by order dated 08.05.2026 and directed him to attend the concerned police station. Accordingly, he has attended

the police station on the given date and extended his full co-operation in the matter. During his attendance, nothing is seized by him as all the record is already seized and the offence is registered on the basis of audit report.

11. The present applicants further relied upon three judgments of the Coordinate Bench of this Court in somewhat identical matters, same are as under:

i) Sharad Kishor Patil Vs. the State of Maharashtra in Anticipatory Bail Application No. 491/2026,

ii) Dashrath Giridhar Patil Vs. The State of Maharashtra in Anticipatory Bail Application No. 878/2018 and

iii) Daulatrao Shankarrao Thakare and others Vs. State of Maharashtra in Anticipatory Bail Application No. 2782/2022.

12. This Court has consistently recorded finding in all these cases that considering the role of such Directors is at the most as signatories to the resolutions passed in the meetings of the Society. Therefore, considering their limited role in such transactions, their custody would not be required. In such cases, protection can be granted by this Court by imposing appropriate conditions upon them.

13. In the present case, admittedly, the offence has been registered on the basis of the audit report. While conducting the audit, the Auditor collected the entire record of the Bank and, on the basis of the said record, prepared the audit report. The said audit report is now in the custody of the Investigating Officer. In view of

the above referred judgments of this Court, appropriate conditions can be imposed upon the present applicants while granting them protection in the matter.

14. It is further pertinent to note that there are no criminal antecedents against applicants. The alleged offence in the capacity of Director and Treasurer. Nothing has to be recovered from present applicants in the matter. Accordingly, the following order is passed:

ORDER

i) In the even of arrest of the applicants namely Shahzad Abid Ali Sayyad in Criminal Application (ABA) No.437/2026, Sheikh Salim Sheikh Rasul, Narshingh S/o Pocham Bhupeli, Sanjeevkumar S/o Komuraiah Sangala, Prashant S/o Chandrahas Khanke in Criminal Application (ABA) No.426/2026 and Kunal Nilkant Kude in Criminal Application (ABA) No.373/2026, in connection with Crime No.409/2026, registered with Police Station Rajura, District Chandrapur, for the offence punishable under Sections 406, 408, 420, 467, 468, 471 r/w 34 of the Indian Penal Code.

ii) The Applicants shall attend the Police Station, Rajura, District Chandrapur, on every Saturday from on every Saturday and Sunday between 11:00 a.m. to 01.00 p.m. and extend full co-operation to the investigating agency till the filing of the chargesheet.

iii) The Applicants shall also attend the Police Station, Rajura, District Chandrapur, if otherwise required on other days by the investigation officer with prior intimation from the investigation officer.

iv) The Applicants shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and the Court concerned, and shall not change the same till the final disposal of the case.

v) The Applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any Police Officer.

vi) The Applicants shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the Investigating officer.

15. The criminal applications stand disposed of.

(PRAVIN S. PATIL, J.)