

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram,	Court's or Judge's orders.
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CRIMINAL APPLICATION NO.: 3622 OF 2015

IN

APPLN/6696/2014

BHIMRAO DAMODAR DENDGE

VERSUS

THE STATE OF MAHARASHTRA

WITH

APPLN/3339/2015

IN

APPLN/6697/2014

PRALHAD MUNJAJI AWHAD

VERSUS

THE STATE OF MAHARASHTRA

WITH

APPLN/3623/2015

IN

APPLN/6689/2014

GANGADHAR PANDURANG GIRAM

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Jogdand Patil Vijay B. And
Sachin S. Shinde / Mr. Jagiasi Shyamsunder H.

APP for Respondents: Mrs. R. K. Ladda.

CORAM: T. V. NALAWADE, J.

DATED: 10th August, 2015.

PER COURT:

1. All the three applications are filed for relaxation of

conditions imposed by this Court. While granting bail to the three accused, applicants, one applicant is directed to deposit Rs.5 Lakh, the other accused is directed to deposit Rs.10 Lakh and the third accused is directed to deposit Rs. 25 Lakh by this Court for getting released on bail. Learned counsel for the applicants submitted that the applicants are not in a position to deposit such huge amount and as they are behind bars they cannot do anything in this regard. In view of this submission direction was given to the investigating officer to find out the financial condition of the applicants and their family members. Today learned A.P.P. has produced report of the investigating officer showing that the financial condition of the applicants is such that they can collect the money and deposit it in the Court. This Court has already considered the role played by each of the applicant, accused in the crime committed which is of conspiracy and fraud. As per the money which was siphoned to the present applicants this Court has imposed the conditions on them. This Court has observed that some property which was mentioned in the previous order is made by them by using the stolen

property, the property made from the fraud. There is no question of allowing the applicants to use that property as the property is shown to be seized in the crime and that property can be dealt with under M.P.I.D. Act also.

2. It appears that some of the applicants have ancestral property and house property. They may be having moveable and immoveable property also. They can be allowed to sale, mortgage or pledge the property for collecting the aforesaid money. For that, this Court can give necessary directions to the jail authorities and for making all the transactions they can be taken out from the jail and to that extent the Court will give give concessions to them.

3. If the aforesaid conditions imposed are relaxed the other accused and even Munjaji, the main accused, will come forward and will ask for bail on the ground of parity. The wife of Munjaji is still absconding and there is allegation that most of the money made out from the crime is taken away by her. If she wants to help the relatives, like the present applicants, she can come forward and deposit the amount for the applicants. That

way the condition imposed by this Court can be complied with. If the conditions are relaxed and the applicants are released without depositing any amount that will create a bad precedent. The persons like the present applicants, commit the crime only for making money and if they get out only after remaining behind bars after few months, others may start committing similar offence. To curb the tendency and to show to similar minded persons that they cannot make money by this way and at the end they will lose anything, the applicants need to deposit the amount. With the aforesaid liberty, this Court holds that the applications need to be disposed of as rejected. The applicants can come to this Court if they want to dispose of their moveable or immoveable property in any way for raising the aforesaid money. Even after disposal of their any property if they are not able to raise the money, this circumstance will be considered by this Court.

[T. V. NALAWADE, J.]

Dt.10/08/2015
ans/3622