IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5985 OF 2015

Gangadhar Pandurang Giram **....Applicant**

Versus

The State of Maharashtra **....Respondent.**

Mr. V.B. Jogdand Patil, Advocate for applicant.
Mr. V.H. Dighe, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 27th November, 2015.

ORDER :

1. The application is filed for modification of the order of bail made by this Court in Criminal Application NO. 6689/2014. The chargesheet is filed against the present applicant and others for the offences punishable under sections 420, 406, 467, 471, 474, 201, 12-B and 34 of Indian Penal Code and also sections 3 and 4 of Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 and section 3, 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

2. The amount of more than Rs. 25 Crore is involved. The main accused is one Munjaji, Shrikrishna is brother of

Munjaji and present applicant is father-in-law of Shrikrishna. Munjaji siphoned the money and by using that money property was purchased in the names of his relatives like present applicant. There is allegation of conspiracy and after considering the material available, this Court has imposed the condition against the present applicant to deposit Rs. 10 lakh for getting bail. This amount is fixed on the basis of amount which was siphoned to the present applicant. The submissions made show that on 9.6.2014 he sold one tipper for consideration of Rs. 13 lakh and now he says that he has no money.

2. The learned counsel for applicant submitted that one Yashwant is granted bail by the Sessions Court and Sessions Court has granted installments to him. He submitted that to deposit the amount, present applicant be also granted installments. This Court cannot use the order made by the Sessions Court for parity and further, the circumstances against the present applicants are also different. The said person was not Director of the company and he was not the relative and probably he was working as an agent, who collected money from the depositors. Such instances are increasing in this area and poor persons are cheated by giving them attractive offers like which was done in the present matter. The stolen property needs

to be recovered otherwise such activities will not stop. For doing that, aforesaid condition was imposed.

3. It is noticed by this Court that if the accused is released before depositing the amount, he plays tactics for avoiding depositing of the amount and every time he plays tactics for getting extension of time and that way extension is sought and when assignment changes after long time and when time comes to deposit the amount, then he challenges the order and he remains outside the jail. To prevent playing of such tactics also, such modification cannot be made.

4. So, the application is rejected.

[T.V. NALAWADE, J.]

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