

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

903 CRIMINAL APPLICATION NO. 95 OF 2016
IN APPLN/6697/2014

PRALHAD MUNJAJI AWHAD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Khandare N.B.
APP for Respondent : S.D. Kaldate
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CORAM : T.V. NALAWADE, J.
DATED : 31st March, 2016.

ORDER :

1. This is the third application filed for bail by the accused/applicant, against whom chargesheet is filed for the offences punishable under sections 420, 406, 465, 468, 201, 120-B of the Indian Penal Code. The chargesheet is also filed for offences punishable under sections 3 and 4 of Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 and also under sections 3 to 6 of Prize Chits and Money Circulation Schemes(Banning) Act, 1978. The present applicant is said to be father in law of main accused and there is allegation of deceiving to the investors to the tune of Crores of rupees. The main accused has diverted money to his relatives including the present applicant.

2. There is allegation against present applicant that the amount of Rs. twenty five lakh has come to him. The material available against the present applicant is considered by this Court when this Court decided previous application bearing No. 3339/2015 decided on 10.8.2015. The first application was decided on 9.2.2015 and entire material is considered by this Court. This Court has already taken a lenient view and the present applicant is directed to deposit Rs. twenty five lakh for getting released on bail.

3. The learned counsel for applicant submitted that after making of the order by this Court, one accused by name Yashwant got bail and as against him, there are allegations that the amount of Rs. seventeen lakh was diverted to him. It appears that the learned Additional District Judge has directed the said accused Yashwant, who was working as Police Head Constable, to deposit some amount for coming out of the jail and go on depositing Rs. one lakh after every three months. The learned counsel for applicant submitted that in view of this circumstance, on the ground of parity also, the present applicant needs to be granted bail. He submitted that the said amount of Rs. seventeen lakh which was diverted to Yashwant had gone from the present applicant and so, it can be said that the present

applicant had kept with himself amount of hardly Rs. eight lakh. The learned counsel submitted that this circumstance also needs to be considered.

4. The learned APP submitted that Yashwant, said Police Head Constable, has committed breach of condition and atleast one installment is not deposited by him. This Court was surprised to see that without referring the orders made by this Court, the learned Additional Sessions Judge has released Yashwant on bail by imposing aforesaid condition. When this Court made some specific order, the Investigating Officer filed affidavit and he has now expressed that he intends to file application for cancellation of bail granted to Yashwant by Sessions Court.

5. While rejecting the previous application No. 3339/2015, this Court has already expressed that in such cases unless and until the money misappropriated by the persons like present applicant is recovered, they cannot be released on bail. The circumstances have not changed and money is not yet recovered. In view of these circumstances, this Court holds that applicant is not entitled to get bail or the condition needs to be relaxed. Already liberty is given to the present applicant to

dispose of his own property and see that the amount directed by this Court is deposited in the Court.

6. In the result, the application is rejected.

[T.V. NALAWADE, J.]

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