IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.98 OF 2017

Santosh Bhojanna Pujari … Applicant
Vs
The State of Maharashtra ... Respondent

WITH
CRIMINAL BAIL APPLICATION NO.20 OF 2017

Vijay Sanjay Kendre … Applicant
Vs
The State of Maharashtra ... Respondent

WITH
CRIMINAL BAIL APPLICATION NO.2321 OF 2016

Vasant Dattu Patil … Applicant
Vs
State of Maharashtra ... Respondent

…

Mr. Anil Kamble for the Applicant in BA/98/17.
Ms. Pooja Sejpal i/b. Nitil Sejpal for the Applicant in BA/20/17 and in BA No.2321 of 2016.
Ms. J. S. Lohokare – APP for the State.

CORAM : A. M. BADAR, J.
DATE : 3rd OCTOBER, 2017

P.C. :

1. Applicants Santosh Poojari, Vijay Kendre and Vasant Patil who are accused in Crime No. I 864 of 2017 for offences punishable under Section 420, 406 , read with Section 34 of the IPC by this

application are seeking their release on bail during pendency of trial.

2. Heard the learned Advocates appearing for applicants. They vehemently argued that in the FIR lodging by Sanjay Kurhade names of applicants Santosh Poojari and Vasant Patil are not mentioned. One Sunil Deshmukh is owner of "Sai Ekvira Builders and Developers" which was to construct apartments. Names of applicants Sanjay and Vasant are not in the FIR nor they have received any money in the matter. It is further argued that no agreement came to be executed by Sanjay as well as Vasant Patil. Only allegation against them is to the effect that they used to sit in the office of the developer. It is further argued that so far as applicant Vijay Kendre is concerned allegations are general in nature and his accounts are already freezed by the Investigator. Therefore, further pre-trial detention of the applicant is not warranted.

3. The learned APP opposed the application by contending that several investors are involved in this financial scam which is to

the tune of more than 1.5 crores. By pressing the affidavit-in-reply in service, the learned APP opposing the applicants by contending that considering the nature of offence against all applicants they are not entitled for bail. She also submitted that in the similar manner, applicants have cheated public at large by establishing another firm named as "Aai Ekvira Builders and Developers".

4. I have carefully considered submissions in advanced and also perused the charge-sheet. So far as the applicant Santosh is concerned it is seen that witnesses have spoken that he used to sit in the office of "Sai Ekvira Builders and Developers". It is seen from the evidence of witnesses that he alongwith his associates had given an order for publishing the advertisement of "Sai Ekvira Builders and Developers" in the newspapers through Yogesh Samant. The charge-sheet also revealed that the applicant Santhosh had purchased gold ornaments from Pushparaj Jewellers of Kalyan by issuing cheque drwan from the account of Sai Ekvira Builders and Developers maintained at Axis Bank. This prima facie indicate that

applicant Santosh used to keep with him duly signed cheque book of the said firm signed by co-accused Sunil. It is also apparent that applicant Santosh had withdrawn amount on two occasions from account of Sai Ekvira Builders and Developers maintained with Axis Bank. Similarly it appears that he has also withdrawn cash amount by using ATM card of the said firm. The investigator in his affidavit has also stated that co-accused and applicant Sanjay has siphoned an amount of Rs.8,00,000/- from the account of Sai Ekvira Builders and Developers. Therefore it cannot be said that applicant Santosh was mute spectator of the event which used to take place in the office of the said firm.

5. The FIR discloses that one person named as Mama was also involved in the crime in question. Papers of investigation reveals that Vasant Patil was known as Mama.

6. It is seen that applicant Vasant Patil has secured land for alluring persons in need of home. He was accepting the cash

amount from the customers visiting the office of Sai Ekvira Builders and Developers.

7. He used to sit in the said office for the purpose of conducting the business of the office. It is also seen from the record of the investigation that applicant Vasant had received substantial amount from Sai Ekvira Builders and Developers through cheque payment. So far as applicant Vijay is concern his name in the FIR and he has also received financial benefits from Sai Ekvira Builders and Developers.

8. The crime in question is an economical offence which has affected at about 100 homeless persons who deposited their hard earned money of life with Sai Ekvira Builders and Developers. In a systematic manner, it appears that present applicants have siphoned of the said amount and have failed to perform their obligations. Apartments were not built by them by purchasing the land and mere show of starting construction thereof was made. The

intention to cheat homeless persons since inception as such is writ large from papers of investigation. Several homeless individual lost savings of their life due to act of cheating by applicants. The entire community is aggrieved by such economical offences which are increasing day by day. Considering the nature of offence and its effect on the society at large, and evidence against applicants no case for bail is made out. Similarly, this Court is not assured if release on bail, applicant be available for trial. In the result, the following order:

<u>O R D E R</u>

i) The Applications are rejected.

ii) The learned trial court to expedite the trial in order to decide the same in one year from the date of communication of this order.

iii) Applicants are at liberty to move fresh application if the trial is not concluded in one year.

(A. M. BADAR, J.)