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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 2339 OF 2019**

Munna Mahadev Patro

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Suresh Tripathy a/w Mr. Sumedh Sonawane i/b Mr. Mayank
Sharma for the applicant

Mr. A. R. Kapadnis APP for the State

CORAM : NITIN W. SAMBRE, J.**DATE : NOVEMBER 13, 2019.****P.C.**

This Court vide order dated 14/02/2019 has rejected the prayer for grant of bail moved by the applicant-accused in Crime no. 12 of 2016 for offence punishable under Sections 420, 409, 120B r/w 34 of the Indian Penal Code and the provisions of The Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

2 This is subsequent bail application based on certain

developments viz. Grant of bail to the applicant-accused by the Apex Court in Special Leave to Appeal No. 3106 of 2019, in other eight offences out of 10 offences registered against the applicant of similar nature.

3 The submissions are, the allegations which are formed to be basis for registration of the aforesaid crime are already referred to in crime registered against the applicant in Orissa. So as to substantiate his claim, he would invite attention of this Court to charge-sheet in C.T. Case No. 13/2015 pending on the file of Designated Court (OPID Act) Cuttack having corresponding to EOW P.S. Case No. 10 of 2015. The further submissions are, even Gujarat High Court has also granted bail to the applicant-accused in an offence under Section 409 of the Indian Penal Code.

4 It is alleged that applicant-accused is behind bar since 02/05/2015 i.e. for more than 4 and half years. Considering maximum punishment provided, circumstances warrant his release.

5 Learned APP opposed the prayer for grant of bail on the ground that offence against the applicant punishable under Section 409 of the Indian Penal Code is punishable with life imprisonment.

6 Considered submissions.

7 The factum of release of the applicant in 9 cases out of 10 registered under the provisions of Indian Penal Code and Protection of Interests of Depositors (in financial establishments) Act in various states is not disputed.

8 The prayer for grant of bail is opposed in the case in hand based on fact that applicant is facing trial for an offence punishable under Section 409 of Indian Penal Code which is punishable with life imprisonment. The said factum is sufficient enough to deny the claim of the applicant for his release. Though the learned counsel for the applicant would urge that in an offence punishable under Section 409, bail is ordered by the Gujarat High Court, however, that by itself will not bind this Court to invoke principle of parity in the

case of applicant.

9 This Court cannot be oblivious to sufferings of the small depositors whose interest is jeopardized because of the conduct of the applicant in the capacity of director of accused-company.

10 The nature of offence has resulted in misappropriation of more than Rs. 230 Crores to which this Court needs to be sensitive to.

11 Apart from above, applicant is in custody of Orissa Police is not available for trial to the Court in which prosecution is pending against the applicant in Bombay. That being so, no case for grant of bail is made out. Application fails, stands rejected.

[NITIN W. SAMBRE, J.]