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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1611 OF 2019

Vidhya w/o Shivaji Shewale

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr P. P. More, Advocate for applicant;
Mr K. S. Patil, A.P.P. for respondent

CORAM : RAVINDRA V. GHUGE, J

DATE : 14th December, 2020

PER COURT:

1. Having considered the submissions of the learned Advocate for the applicant and the learned Prosecutor on behalf of the State, extensively, with their assistance, I have gone through the record available and the supplementary charge-sheet / final report under Section 173(8) of the Cr.P.C. I have gone through the allegations against the applicant Vidhya w/o Shivaji Shewale involved in the economic offence having been committed by the Aditya Multi State Co-operative Credit Society Ltd., Murud Branch.

2. The applicant is accused No.5 in the array of the accused persons. She is the sister of accused No.4 - Manoj Dhondiba Kawade. Along with her brother, she was one of the directors of the said

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Co-operative Society. A solemn statement is made by the learned Advocate for the applicant on instructions that being a married woman and being sister of one of the directors - accused No.4, the applicant hardly participated in any of the business of this co-operative society. Further solemn statement is made that she has not earned a penny or allowance for attending any meeting. It is pointed out that the co-accused Atul Udhavrao Bhosle was granted anticipatory bail and co-accused Kishor Devidas Bhosle was granted regular bail by this Court, vide orders dated 4th July, 2017 and 5th December, 2016, respectively.

3. It is further submitted that the applicant had tendered her resignation from the position of a director of the society on 10th September, 2013. Her resignation was accepted in the meeting held by the Board of Directors on 28th January, 2014 and this acceptance was communicated to the Registrar Central, Department of Co-operative and Agriculture, New Delhi, on 28th January, 2015.

4. Considering the above and the attributes to the applicant in the FIR, charge-sheet and the supplementary charge-sheet, the applicant was called upon to state, whether she would file an affidavit declaring her assets viz. her immovable properties as well as the immovable properties of her husband and make a statement on oath that these properties would not be alienated and third party interest would not be

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created until the trial is concluded. The learned Advocate sought a pass-over. After the matter was called out at the end of the board, the learned Advocate submits on instructions that the applicant has immovable properties as well as her husband. She will file an affidavit along with an affidavit of her husband before the Trial Court on or before 31st December, 2020, indicating that both of them would not create third party interest and would not alienate the properties from today, till the decision in the Trial Court.

5. The learned Prosecutor submits that in the event this application is being considered for grant of bail, heavy amount of P.R. Bond may be directed with a surety of the like amount.

6. In view of the above, I am of the view that the custodial interrogation of the applicant for the economic offences set out in the FIR, would not be necessary in view of the conditions that I intend to impose upon her.

7. As such, this application is allowed and in the event of arrest, the applicant shall be released on bail on the following conditions :-

(a) The applicant shall tender a P.R. Bond of an amount of Rs.50,000/- and a surety of the like amount.

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(b) She shall tender her affidavit as well as an affidavit of her husband Shivaji Shewale, before the learned Trial Court on or before 31st December, 2020 with a copy to be placed before the SHO of Murud Police Station, Tq. and District Latur, on or before the 5th day of January, 2021, declaring that both of them will not alienate their properties and will not create third party interest, from today, till the completion of the trial.

(c) She shall mark her attendance with the Murud Police Station, Tq. and District Latur on every 7th and 21st day of each month, beginning from the month of December, 2020, in between 1.00 p.m. to 4.00 p.m.

(d) Her attendance shall be recorded by the SHO by obtaining her signature in the Station Diary. Such attendance shall be recorded until the charge-sheet in connection with the role of the applicant, is filed.

(e) Violation of any of the above conditions shall be a ground for the cancellation of bail.

(f) She shall tender a self attested copy of her Aadhar Card and Election Commission Voter I.D. Card and her

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permanent address proof to the SHO of the said Police Station.

(RAVINDRA V. GHUGE, J.)

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