IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.140 OF 2020

Ashok Tukaram Dhamdhere ….Applicant

V/s.

The State of Maharashtra ….Respondent

Mr. S. S. Salunkhe, for the Applicant.
Mr. S. H. Yadav, APP for the Respondent-State.
Mr. Vijay Khade, ASI Baramati Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 06th February, 2020

P.C.:

1. The applicant is seeking bail in connection with C.R.No.296 of 2019 registered with Baramati City Police Station, for the offences punishable under Sections 420, 406, 467, 468 r/w 34 of the Indian Penal Code ("IPC" for short). Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors ("MPID" for short) Act. Section 409 of IPC was added.

2. The applicant was arrested on 26th March 2019 in connection with C.R.No.79 of 2019. Thereafter, he was transferred to Baramati Rural Police Station in connection with C.R.No.138 of 2019 and in the present case on 15th April 2019. The applicant preferred an

application for bail before the Sessions Court which was rejected on 08th November 2019.

3. The FIR was lodged on 03rd April 2019 by Smt. Bhakti Kshirsagar. Success Group in Pune started scheme for savings by women by investing money in scheme. The scheme pertained to small contributions per month. The founder member of Success Group Shivaji Dhamdhere and Mandarani Dhamdhere visited Baramati. The investors were promised interest. The investors were required to form group with one president. The coordinator was Anisa Aslam Shaikh. Money was deposited in savings office. Several depositors invested money. The name of saving scheme was Shree Mahalaxmi Narayan Mahila Mahasangh Pune. The investors were informed that, Shivjeet Mudra Multistate Co-operative Society Ltd. has been formed with several branches. Through the society, several schemes were implemented. The complainant invested money. However, amount was not received.

4. The learned counsel for the applicant submitted that the entire charge-sheet shows that the main representation was made by Shivaji Dhamdhere and his wife Mandarani Dhamdhere. Ashwini Dhamdhere is wife of the applicant and was on board of directors of the new entity. Apart from that there is no allegation against him. He

being a family member was taken on the board of directors. He was not looking after this business. The statement of the victims as well as that of the first informant do not attribute any role to the applicant.

5. The learned APP opposed these submissions. He submitted that offences of similar nature are pending against M/s Shivjeet Mudra Co-operative Credit Society and Success Group. He, therefore, submitted that custody of the applicant is necessary

6. I have considered these submissions. The statement of the informant and various victims show that co-accused Shivaji Dhamdhere and Mandarani Dhamdhere induced them to invest in the scheme. There is a general averment by witnesses that, the present applicant was one of the directors of Aditya Arthik Niyojan Co-operative Credit Society. There is a general statement that directors used to attend the programmes arranged by Shivaji Dhamdhere and tell people to invest money in their scheme and to get more investment. All these statements are vague and general. No specific role is attributed to the present applicant. None of the victims has stated that the present applicant himself approached any of the victims and had induced any of them to invest in the scheme. Though the applicant was on board of directors of M/s Aditya Arthik Niyojan Co-Operative Credit Society, specific statements of the

victims show that it was only the co-accused who had induced them into investing in their scheme. The applicant has not played any role in such investments. The investigating agency does not have any material to show that the present applicant had received any amount personally or in his personal account. Thus, though the applicant is facing the prosecution, his further detention during the pendency of the trial is not necessary. The chargesheet is filed. Though there are other offences registered against Aditya Arthik Niyojan Co-Operative Credit Society, the investigation in respect of those offence can go on and the applicant will have to answer those charges under those investigations. The wife of the applicant is granated bail by this Court by order dated 16th August 2019 in C.R.No. 138 of 2019 which is of similar nature. The applicant is purportedly Director of Aditya Arthik Niyojan Co-operative Credit Society Pimpri and Shivjeet Mudra Co-operative Society was merged in the said society.

7. The applicant is in custody from 26th March 2019. No concrete material is brought forth by the investigation agency against the present applicant showing his specific role.

<u>ORDER</u>

(i) The Applicant is directed to be released on bail in connection with C.R. No.296 of 2019 registered with Baramati

City Police Station, on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

(ii) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)