IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2984 OF 2019

Ashok Tukaram Dhamdhere ….Applicant

V/s.

The State of Maharashtra ….Respondent

Mr. S. S. Salunkhe, for the Applicant.
Mr. H. J. Dedhia, 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.138 of 2019 registered with Baramati Police Station, under Sections 420, 406, 467, 468, 471, 409 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.

2. The FIR is lodged on 08th February 2019 by one Anisa Shaikh. She has stated that on 28th December 2016 one Success Group at Pune had formed a scheme whereby women could save their money and invest it with that group. The scheme pertained to contributing rupees two hundred per month and that amount was

invested with Success Group, Pune and its branch at Lonand, Tal. Khandala, Dist. Satara. The founder member of Success Group accused Shivaji Dhamdhere and his wife Mandarani Dhamdhere came to Baramati and represented that such investment was safe. Based on their representation many women invested their money. One more entity by name Shivjeet Mudra Multistate Credit Co-operative Society Limited was formed by the accused. Every investor was assured fixed payment of Rupees Two Thousands Six Hundred Eighty Eight. The investor's money were misappropriated and therefore, the FIR was lodged.

3. The prosecution case is that, the present applicant was director of Aditya Arthik Niyojan Co-Operative Credit Society, Pimpri. The aforementioned Shivjeet Mudra Co-operative Credit Society was merged in that credit society. Since the applicant was a director, he was made an accused in the present crime. The applicant is arrested on 26th March 2019 in C.R.No.79 of 2019. Thereafter, he was transferred to C.R.No.138 of 2019. The charge-sheet is filed.

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. The

applicant is Shivaji's brother and was on board of directors. 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 him.

5. The learned APP opposed bail. He submitted that there are six more offences of similar nature pending against M/s Shivjeet Mudra Co-operative Credit Society and Success Group.

6. The statement of the informant Anisa Shaikh as well as various victims namely Sarika Wadekar, Sangeeta Salunkhe, Anjali Kale, Anuradha Suryavanshi, Archana Bansode show that other co-accused Shivaji Dhamdhere and Mandarani Dhamdhere induced them to invest in the scheme. There is a general averment in the supplementary statements of all these witnesses that the present applicant was one of the director of aforementioned Aditya Arthik Niyojan Co-Operative Credit Society. There is a general statement that these directors used to attend the programmes arranged by Shivaji Dhamdhere and used to 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 applicant. None of the victims has stated that the 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. The chargesheet is filed.

7. Purpose would be served by keeping him in custody in connection with the present crime. No concrete material is brought forth by the investigation agency against the present applicant showing his specific role.

8. The co-accused Ashwini Dhamdhere is wife of the applicant. She was granted bail by this Court vide order dated 16th August 2019. The case of the applicant is similar. Hence, I pass the following order.

<u>ORDER</u>

(i) The Applicant is directed to be released on bail in connection with C.R. No.138 of 2019 registered with Baramati 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.)