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

BAIL APPLICATION NO. 315 OF 2020

Gopal Krushnaji Kalamkar
Age: 56 years, Occu.: Agriculture,
R/o. Bolhegaon,
Tq. & Dist.Ahmednagar. ... Applicant

Versus

The State of Maharashtra ... Respondent

AND

BAIL APPLICATION NO. 204 OF 2021

Gopal Krushnaji Kalamkar
Age: 60 years, Occu.: Agriculture,
R/o. Bolhegaon,
Tq. & Dist.Ahmednagar. ... Applicant

Versus

The State of Maharashtra
for M.I.D.C. Police Station,
Taluka & Dist. Ahmednagar ... Respondent

AND

BAIL APPLICATION NO. 507 OF 2021

Gopal Krushnaji Kalamkar
Age: 60 years, Occu.: Agriculture,
R/o. Bolhegaon,
Tq. & Dist.Ahmednagar. ... Applicant

Versus

The State of Maharashtra
for Rahata Police Station,
Taluka & Dist. Ahmednagar ... Respondent

AND

BAIL APPLICATION NO. 1065 OF 2021

Gopal Krushnaji Kalamkar
Age: 60 years, Occu.: Agriculture,
R/o. Bolhegaon,
Tq. & Dist.Ahmednagar. … Applicant

Versus

The State of Maharashtra
for Pathardi Police Station,
Taluka Pathardi, Dist. Ahmednagar … Respondent

AND

BAIL APPLICATION NO. 1073 OF 2021

Gopal Krushnaji Kalamkar
Age: 60 years, Occu.: Agriculture,
R/o. Bolhegaon,
Tq. & Dist.Ahmednagar. … Applicant

Versus

The State of Maharashtra
for Nagar Taluka Police Station,
Taluka & Dist. Ahmednagar … Respondent

AND

BAIL APPLICATION NO. 1156 OF 2021

1. Chandrabhan S/o Bhagwant Kale
   Age: 60 years, Occu.: Agriculture,
   R/o. Dehere,
   Tq. & Dist.Ahmednagar.

2. Babasaheb S/o Ramchandra Karande
   Age: 65 years, Occu. Agri.,
   R/o. Wadgaon Gupta,
   Tq. & Dist. Ahmednagar.

3. Ramdas S/o Ranba Gite
Age: 74 years, Occu.: Agri.,
R/o. Navnagapur, MIDC Ahmednagar,
Tq. & Dist. Ahmednagar

4. Dattatraya S/o Manohar Gite,
Age: 65 years, Occu.: Agri.,
R/p/ Wadgaon Gupta,
Tq. & Dist. Ahmednagar … Applicants

Versus

The State of Maharashtra
Through Investigation Officer,
Ahmednagar Taluka Police Station,
Taluka & Dist. Ahmednagar … Respondent

AND

BAIL APPLICATION NO. 1159 OF 2021

1. Chandrabhan S/o Bhagwant Kale
Age: 66 years, Occu.: Agriculture,
R/o. Dehere,
Tq. & Dist.Ahmednagar.

2. Babasaheb S/o Ramchandra Karande
Age: 65 years, Occu. Agri.,
R/o. Wadgaon Gupta,
Tq. & Dist. Ahmednagar.

3. Ramdas S/o Ranba Gite
Age: 74 years, Occu.: Agri.,
R/o. Navnagapur, MIDC Ahmednagar,
Tq. & Dist. Ahmednagar

4. Dattatraya S/o Manohar Gite,
Age: 65 years, Occu.: Agri.,
R/p/ Wadgaon Gupta,
Tq. & Dist. Ahmednagar … Applicants

Versus

The State of Maharashtra
Through Investigation Officer,
Pathardi Police Station,
Taluka Pathardi, Dist. Ahmednagar … Respondent

AND

BAIL APPLICATION NO. 1161 OF 2021

1. Chandrabhan S/o Bhagwant Kale
Age: 66 years, Occu.: Agriculture,
R/o. Dehere,
Tq. & Dist.Ahmednagar.

2. Babasaheb S/o Ramchandra Karande
Age: 65 years, Occu. Agri.,
R/o. Wadgaon Gupta,
Tq. & Dist. Ahmednagar.

3. Ramdas S/o Ranba Gite
Age: 74 years, Occu.: Agri.,
R/o. Navnagapur, MIDC Ahmednagar,
Tq. & Dist. Ahmednagar

4. Dattatraya S/o Manohar Gite,
Age: 65 years, Occu.: Agri.,
R/p/ Wadgaon Gupta,
Tq. & Dist. Ahmednagar … Applicants

Versus

The State of Maharashtra
Through Investigation Officer,
M.I.D.C. Police Station, Ahmednagar,
Taluka & Dist. Ahmednagar … Respondent

AND

BAIL APPLICATION NO. 1261 OF 2021

1. Chandrabhan S/o Bhagwant Kale
Age: 66 years, Occu.: Agriculture,
R/o. Dehere,
Tq. & Dist.Ahmednagar.

2. Babasaheb S/o Ramchandra Karande
   Age: 65 years, Occu. Agri.,
   R/o. Wadgaon Gupta,
   Tq. & Dist. Ahmednagar.

3. Ramdas S/o Ranba Gite
   Age: 74 years, Occu.: Agri.,
   R/o. Navnagapur, MIDC Ahmednagar,
   Tq. & Dist. Ahmednagar

4. Dattatraya S/o Manohar Gite,
   Age: 65 years, Occu.: Agri.,
   R/p/ Wadgaon Gupta,
   Tq. & Dist. Ahmednagar ... Applicants

Versus

The State of Maharashtra
Through Investigation Officer,
Rahata Police Station,
Taluka & Dist. Ahmednagar ... Respondent

AND

BAIL APPLICATION NO. 1337 OF 2021

Namdev S/o Vitthal Kale
Age: 65 years, Occu.: Agriculture,
R/o. Pandhari Wasti, Dehere,
Tq. & Dist.Ahmednagar. ... Applicant

Versus

The State of Maharashtra
Through Investigation Officer,
Pathardi Police Station,
Taluka Parardi, Dist. Ahmednagar ... Respondent

AND

BAIL APPLICATION NO. 1338 OF 2021

Namdev S/o Vitthal Kale
Age: 65 years, Occu.: Agriculture,
R/o. Pandhari Wasti, Dehere,
Tq. & Dist.Ahmednagar. … Applicant

Versus

The State of Maharashtra
Through Investigation Officer,
M.I.D.C. Police Station, Ahmednagar
Taluka & Dist. Ahmednagar … Respondent

AND

BAIL APPLICATION NO. 1339 OF 2021

Namdev S/o Vitthal Kale
Age: 65 years, Occu.: Agriculture,
R/o. Pandhari Wasti, Dehere,
Tq. & Dist.Ahmednagar. … Applicant

Versus

The State of Maharashtra
Through Investigation Officer,
Nagar Taluka Police Station,
Ahmednagar, Tq. & Dist. Ahmednagar. … Respondent

AND

BAIL APPLICATION NO. 1340 OF 2021

Namdev S/o Vitthal Kale
Age: 65 years, Occu.: Agriculture,
R/o. Pandhari Wasti, Dehere,
Tq. & Dist. Ahmednagar. … Applicant

Versus

The State of Maharashtra
Through Investigation Officer,
Rahata Police Station,
Tq. Rahata, Dist. Ahmednagar. … Respondent

AND

BAIL APPLICATION NO. 1341 OF 2021

Namdev S/o Vitthal Kale
Age: 65 years, Occu.: Agriculture,
R/o. Pandhari Wasti, Dehere,
Tq. & Dist.Ahmednagar. … Applicant

Versus

The State of Maharashtra
Through Investigation Officer,
Nagar Taluka Police Station,
Ahmednagar, Tq. & Dist. Ahmednagar. … Respondent

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Mr. Amol S. Gandhi, Advocate and Mr. N.B. Narwade, Advocate for the Applicants in respective Bail Applications.
Mr. A.M. Phule, APP for Respondent / State in respective Bail Applications.

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CORAM : SHRIKANT D. KULKARNI, J.

Reserved on : 30.11.2021

Pronounced on : 03.12.2021

FINAL ORDER :-

1. The Directors of Shrinath Multi-State Co-operative Society, Wadgaon Gupta, Taluka and District Ahmednagar are seeking bail under Section 439 of the Code of Criminal Procedure in connection with crime no.95/2018 registered with Nagar Taluka Police Station, crime no.343/2017 registered with M.I.D.C. Police Station,

Ahmednagar, crime no. 139/2017 registered with Rahata Police Station, crime no.32/2018 registered with Pathardi Police Station and crime No.507/2018 registered with Nagar Taluka Police Station.

2. Even though different crimes came to be registered at various police stations, the genesis of the prosecution case is the same and one, which can be stated in brief as under:-

3. The applicants are happened to be the Directors of the Shrinath Multi-State Co-operative Society, Wadgaon Gupta, Taluka and District Ahmednagar (hereinafter referred to as the 'Society'). The said Society is registered under the Multi-State Co-operative Societies Act, 2002. The Administration of the said Society is with Chairman, Vice-chairman, Directors and the General Manager. They have control over the Society for financial transactions like advancing loans, fixed deposit schemes etc. At the relevant point of time, the Society had offered a scheme which provided higher rate of interest on the fixed deposits. On the basis of wide publicity given by the said Society, the first informants out of respective crimes as well as other small investors had invested

their hard earned money in the fixed deposits with the said Society. The said Society promised to the investors/informants that they would get handsome returns on their invested amount. It is alleged that the said Society failed to fulfill their promise. It is alleged that the Chairman, Vice-chairman, Directors, General Manager, Manager and Cashiers misappropriated the funds for their own benefits. It is a big financial fraud committed by the Chairman, Vice-chairman, Board of Directors and other high level officers. There is cash fraud of more than 9 Crores. It is alleged that the Chairman, Vice-chairman and Board of Directors and high level officers in collusion misappropriated the amount. It is a case of misappropriation, criminal breach of trust, fraud and cheating. The Society was put to loss for more than Rs.40 Crores due to the acts complained against the Board of Directors.

4. M/s Prasad R. Kulkarni, Chartered Accountants came to be appointed to conduct the audit of the Society. Accordingly the Auditor has given its report. The same is the part of the charge-sheet. In the Auditor's report, the Chairman, Vice-chairman, Board of Directors, General Manager, Manger and the concerned

Cashiers of the branches are held responsible for the serious fraud.

5. On the basis of FIRs lodged by the respective first informants/ investors, the above referred crimes came to be registered against the Chairman and Board of Directors and the concerned officers and the Cashiers of the Society.

6. The following are the details of the applicants:-

Sr. No.	BA No.	Crime No/ Sections	Name of the accused	Date of arrest	Special case No.	Date of Charge-sheet	Post
1	315 of 2018	Nagar Tq. Police Station, Ahmednagar, Crime No.I-95/2018, Section – 420, 406, 409, 34 of IPC and 3 of MPID Act	Gopal Krushnaji Kalamkar	23/08/2019	378 of 2018	30/10/2018	Director
2	204 of 2021	MIDC Police Station, Ahmednagar, Crime No.I-343/2017	Gopal Krushnaji Kalamkar	20/07/2019	229 of 2018	02/07/2018	Director
3	507 of 2021	Rahata Police Station, Dist. Ahmednagar, Crime No.I-139/2017, Sections 420,406,409, 34 of IPC, and 3 of MPID Act.	Gopal Krushnaji Kalamkar	02/01/2020	42 of 2020	26/03/2020	Director
4	1065 of 2020	Pathardi Police Station Dist. Ahmednagar, Crime No.I-32-2018, Sections-420, 406,409, 34 of MPID Act.	Gopal Krushnaji Kalamkar	01/10/2019	164 of 2018	24/05/2018	Director
5.	1073 of 2020	Nagar Taluka Police Station, Dist. Ahmednagar, Crime No.507/2018, Sections-420, 406, 409,34 of IPC and 3 of MPID Act.	Gopal Krushnaji Kalamkar	22/11/2019	59 of 2020	18/02/2020	Director

Sr. No.	BA No.	Crime No/ Sections	Name of the accused	Date of arrest	Special case No.	Date of Charge-sheet	Post
6	1338 of 2021	MIDC Police Station, Ahmednagar, Crime No.I-343/2017, Section – 420, 406, 409, 34 of IPC and 3 of MPID Act	Namdev Vitthal Kale	14/06/2018	229 of 2018	02/07/2018	Director
7	1340 of 2021	Rahata Police Station, Dist. Ahmednagar, Crime No.I-139/2017, Sections 420,406,409, 34 of IPC, and 3 of MPID Act.	Namdev Vitthal Kale	02/01/2020	42 of 2020	26/03/2020	Director
8	1337 of 2021	Pathardi Police Station Dist. Ahmednagar, Crime No.I-32/2018, Sections-420,406,409, 34 of MPID Act.	Namdev Vitthal Kale	01/10/2019	164 of 2018	24/05/2018	Director
9	1341 of 2021	Nagar Taluka Police Station, Dist. Ahmednagar, Crime No.95/2018, Sections-420,406, 409,34 of IPC and 3 of MPID Act.	Namdev Vitthal Kale	23/08/2019	378 of 2018	30/10/2018	Director
10	1339 of 2021	Nagar Taluka Police Station, Dist. Ahmednagar, Crime No.507/2018, Sections-420, 406, 409,34 of IPC and 3 of MPID Act.	Namdev Vitthal Kale	22/11/2019	59 of 2020	18/02/2020	Director
Sr. No.	BA No.	Crime No/ Sections	Name of the accused	Date of arrest	Special case No.	Date of Charge-sheet	Post
11	1161 of 2021	MIDC Police Station, Ahmednagar, Crime No.I-343/2017, Section – 420, 406, 409, 34 of IPC and 3 of MPID Act	Chandrabhan Bhagwanta Kale and others	26/06/2018	229 of 2018	02/07/2018	Director
12	1261 of 2021	Rahata Police Station, Dist. Ahmednagar, Crime No.I-139/2017, Sections 420,406,409, 34 of IPC, and 3 of MPID Act.	Chandrabhan Bhagwanta Kale and others	02/01/2020	42 of 2020	26/03/2020	Director
13	1159 of 2021	Pathardi Police Station Dist. Ahmednagar, Crime No.I-32/2018, Sections-420,406,409, 34 of MPID Act.	Chandrabhan Bhagwanta Kale and others	01/10/2019	164 of 2018	24/05/2018	Director

14	1156 of 2021	Nagar Taluka Police Station, Dist. Ahmednagar, Crime No.507/2018, Sections-420,406, 409,34 of IPC and 3 of MPID Act.	Chandrabhan Bhagwanta Kale and others	23/11/2019	59 of 2018	18/02/2020	Director

7. The applicants had applied for bail before the Special Court at Ahmednagar and their respective bail applications came to be turned down.

8. Heard Mr. Amol Gandhi and Mr. N.B. Narwade, learned counsel for the applicants and Mr. Phule, learned APP for respondent / State in respective bail applications.

Submissions of Mr. Gandhi and Mr. Narwade, learned counsel for the applicants

9. Learned counsel for the applicants submitted that the members of the Society had formed one *Kruti Samiti* to act on behalf of the members and the applicant Gopal Krushnaji Kalamkar came to be appointed as a President of the said *Kruti Samiti.* The resolution came to be passed in the extraordinary general meeting, whereby the auditor came to be appointed. It is submitted that the fraudulent transactions had taken place at branches. As per the audit report, respective branch Cashiers, General Manager, Head

Office Cashiers and the Chairman of the Society are responsible for the said fraud. The Auditor had no point of time held the present applicants accountable for the said fraud. The applicants had not taken any active role in the day to day affairs of the Society.

10. No enquiry or inspection as per Sections 78 and 79 of the Multi-State Co-operative Societies Act, 2002 was initiated. No repayment order against the applicants under Section 83 of the said Act came to be passed. There is nothing against the applicants in the audit report to show their involvement. They cannot be said to be the party to the fraud.

11. Mr. Gandhi and Mr. Narwade, learned counsel for the applicants submitted that investigation of respective crimes is over and the charge-sheets have been filed. There is no need to keep the applicants behind the bars by looking to their old age and on going medical treatment. They invited my attention to the bail order passed by the Additional Sessions Judge, Ahmednagar in crime No.95 of 2018 dated 04.01.2019. They submitted that Gajanan Nivrutti Dongre, Shankar Rambhau Dhumal, Babasaheb Ramchandra Karande, Balasaheb Eknath Ambedkar, Ramdas

Ranba Gite and Dattatray Manohar Gite who are Directors, released on regular bail vide order dated 04.01.2019. The State has not challenged the said order of bail till this date. One Mr. Ashok Kanhuji Meghdambar, the Manager is released on bail by this Court vide order dated 13.01.2021 in Bail Application No.204 of 2020. The applicants are entitled to get bail on the ground of parity.

12. The following citations were relied upon in support of their argument.

(i) The decision of the Hon'ble Supreme Court in ***Criminal Appeal No. 120 of 2021 arising out of Slp (Cri.) No. 4037/2020 (Jaysingh Kewalsingh Thakur Vs. The State of Maharashtra)***.

(ii) ***Rajvardhan Tulshiram Patil Vs. State of Maharashtra*** reported in ***2021 DGLS (Bom,) 1190***.

(iii) ***Gajanan S/o Raghunath Nandanwar Vs. State of Maharashtra*** reported in ***All M.R. (Cri.) 3873***.

(iv) ***Raj Mohammad Mumtaj Choudhary Vs. State of Maharashtra*** reported in ***2021 DGLS (Bom.) 916***.

(v) ***Ranjitsingh Brahmajeetsing Sharma Vs. State of Maharashtra*** reported in ***2005 AIR (SC) 2277***.

13. By taking help of above said citations, Mr. Gandhi and Mr. Narwade, learned counsel for the respective applicants urged to grant bail.

14. Per contra, Mr. Phule, learned APP for the State strongly opposed to grant bail to the applicants.

Submissions of the learned Assistant Public Prosecutor

15. Mr. Phule, learned APP submitted that the applicants are stated to be the Directors of Shrinath Multi-State Co-operative Society, Wadgaon Gupta, Tq. and Dist. Ahmednagar. The said Society had offered a scheme of giving higher rate of interest on fix deposits to the investors and thereby lured the investors to invest their money with the Society. The applicants being the Directors of the said Society are answerable and accountable to the said financial fraud. He submitted that the applicants are involved in serious offences. It was revealed during the course of investigation that the applicants by their common intention had cheated the small investors and misappropriated their money for their own benefits. It is a misappropriation of huge amount deposited by the

small investors under the belief that they would get good returns and now they are victims of the financial scam.

16. Mr. Phule, learned APP submitted that the applicants being Directors had direct control over the affairs of Head Office and every branch. It was their prime duty to protect the interest of the investors. The applicants had misappropriated the amount more than Rs. 9 Crores in collusion with Chairman, Vice-chairman and high level officers of the Society. He submitted that the order, which is referred by the learned counsel for the applicants seeking bail on the ground of parity is a cryptic and without considering the audit report in detail. He submitted that another order dated 10.01.2020, whereby similar prayer for bail came to be rejected at the hands of Additional Sessions Judge, Ahmednagar, wherein it is held the the ground of parity is not available.

17. I have considered the arguments advanced by the learned counsel for the applicants and the learned APP for the respondent / State. I have gone through the copies of charge-sheet and the record, and other papers made available by the learned counsel for the applicants.

18. The applicants are seeking bail mainly on the following grounds:-

(i) Investigation is completed and charge-sheet is filed.

13

(ii) The Auditor has not attributed any role against the applicants/Directors who have applied for bail.

(iii) The case mainly rests upon documentary evidence, which has been seized.

(iv) No need to keep the applicants behind the bars.

(v) The applicants are old aged and taking medical treatment. They are ready to abide by the conditions, if any, imposed by the Court.

(vi) Certain Directors came to be released on bail by the Special Court, and therefore, the applicants are entitled to get the bail on parity.

19. Firstly, I shall deal with the ground of parity pleaded by the learned counsel for the applicants seeking bail. On perusing the record, it is evident that following persons who are stated to be the Directors came to be released on bail by common order passed by

Additional Sessions Judge below Exhibits 5 and 9 in Special Case No.378 of 2018 dated 04.01.2019.

> (i) Gajanan Nivrutti Dongre, (ii) Shankar Rambhau Dhumal, (iii) Babasaheb Ramchandra Karande, (iv) Balasaheb Eknath Ambedkar, (v) Ramdas Ranba Gite and (vi) Dattatray Manohar Gite.

20. On perusing the copy of the common order passed below Exhibits 5 and 9 in Special Case No.378 of 2018 by the Additional Sessions Judge at Ahmednagar, it is noticed that the bail order is cryptic. The auditor report which is the part of the charge-sheet seems to have not considered in detail. The learned Additional Sessions Judge was pleased to grant bail to the above said Directors only because charge-sheet is filed, and secondly, there is no apprehension that applicants may flee from justice as they are permanent residents of village Wadgaon Gupta. The record has been seized and no chances of tampering with the evidence. Such a cryptic bail order cannot be relied upon. The learned Additional Sessions Judge who seems to be successor of the Court presided over as a Special Court and dealing with the Special Case No.378 of 2018 has considered the role of Directors, Chairman, Vice-

chairman, General Manager etc and by common order below Exhibits 14 and 19 in Special Case No.378 pleased to rejected the bail applications vide order dated 10.01.2020. It is rightly observed by the learned Additional Sessions Judge, Ahmednagar while rejecting the bail application that the ground of parity is not applicable in view of of cryptic nature of bail order passed by his predecessor. Certainly, the applicants cannot take help of that cryptic bail order for seeking bail on the ground of parity.

21. The audit report plays important role in order to focus on the liability of the Directors. On perusing the relevant part of the audit report submitted by Mr. Prasad R. Kulkarni, Chartered Accountant, Ahmednagar, it is reveled that the Board of Directors is held responsible for the cash fraud of Rs.7,10,10,696.58 for the year 2016-17. The Board of Directors is also held responsible for causing huge loss to the said Society amounting to more than Rs.40 Crores.

22. The relevant part of the audit report is reproduced herein below in order to focus as to how the Board of Directors is accountable and answerable:-

CHART SHOWING TOTAL FRAUD

Sr. No.	TYPE OF FRAUD	AMOUNT INDULGED IN FRAUD	CUMULATIVE AMOUNT	PERSONS RESPONSIBLE FOR SUCH FRAUD
01	Previous Fraud as per audit report 2016-17	7,10,10,696.58	7,10,10,696.58	As mentioned in the previous audit report 2016-17
02	Fraud relating to Bank balances as per point number 4 of PART A	1,63,93,437.54	8,74,04,134.12	Chairman, General Manager and respective branch manager and board of director
03	Fraud relating to Property as per point number 7 of the PART A	16,33,325.00	8,90,37,459.12	Chairman and board of director
04	Fraud relating to building construction advance as per point number 6 of PART A	16,00,000.00	9,06,37,459.12	Chairman and Board of director
05	Fraud relating to general manager recovery as per point number 5 of PART A	75,000.00	9,06,37,459.12	General Manager

23. As per the above chart, from the audit report, it would be clear that there was cash fraud in the Society amounting to Rs.9,07,12,459.12. The total loss caused to the society was assessed at Rs.40,64,42,239.51. The Auditor has further opined that at present condition of the Society and the management, it is hardly possible to cover up this loss. It is not possible to recover in the going course. Hence, it may be treated as fraud and liable to be

recovered from the Board of Directors. The Auditor has further given candid opinion that the Board of Directors is responsible for such state of affairs of the Society.

24. Having regard to the audit report, the role of Board of Directors and their complicity in commission of big financial fraud is brought on record. It is difficult to accept the argument advanced by the learned counsel for the applicants that the applicants being the Directors are not involved in the scam.

25. The case of ***Ranjitsingh Brahmajeetsing Sharma Vs. State of Maharashtra*** (supra), referred by the learned counsel for the applicants, was a case under the Maharashtra Control of Organized Crimes Act, 1999. The facts of the cited case and the facts of the case in hand are quite distinguishable. In the said citation, the Hon'ble Supreme Court by relying upon the case of ***Sanju Vs. State of Kerala*** reported in ***2001 AIR (SC) 1625*** in para no.7 held as under:-

> "7. In a criminal case the onus lies on the prosecution to prove affirmatively that the accused was directly and personally connected with the acts or omissions attributable to the crime committed by him. It is a settled position of law that act or action of one of the accused

> cannot be used as evidence against another. However, an exception has been carved out under Section 10 of the Evidence Act in the case of conspiracy. To attract the applicability of Section 10 of the Evidence Act, the court must have reasonable ground to believe that two or more persons had conspired together for committing an offence. It is only then that the evidence of action or statement made by one of the accused could be used as evidence against the other."

26. In the present case, the investigating agency has placed on record sufficient material in the nature of statements of witnesses, documentary evidence and audit report thereby showing direct complicity of the Directors in a huge financial scam. The citation in case of ***Ranjitsingh Brahmajeetsing Sharma Vs. State of Maharashtra*** (supra) is not any way helpful to the applicants.

27. This Court, in cases of ***Raj Mohammad Mumtaj Choudhary Vs. State of Maharashtra*** (supra), ***Gajanan S/o Raghunath nandanwar Vs. State of Maharashtra*** (supra) and ***Rajvardhan Tulshiram Patil Vs. State of Maharashtra*** (supra) was pleased to grant bail in view of peculiar facts of the case arising from the respective bail applications.

28. Learned counsel for the applicants have also referred the decision of the Hon'ble Supreme Court in case of ***Jaysingh Kewalsingh Thakur Vs. The State of Maharashtra*** (supra) in support of their argument. The Hon'ble Supreme Court was pleased to release the appellant Jaysing Kewalsing Thakur on bail in view of the fact that the charge-sheet has been filed and looking to the period of custody already undergone. The facts of the case in hand are quite different. Moreover, in case of ***Naveen Singh Vs. State of Uttar Pradesh*** reported in ***(2021) 6 SCC 191***, it is held by the Hon'ble Supreme Court that, "merely because the charge-sheet is filed, is no ground to release the accused on bail considering serious offence alleged against the applicant/accused".

29. In case of **Y.S. Jagan Mohan Reddy Vs. Central Bureau of Investigating** reported in ***(2013) 7 SCC 439***, the Honourable Supreme Court has held as under :

> "34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as

grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations."

30. In the present case, the applicants who are stated to be the members of Board of Directors are alleged to have introduced the scheme of fixed deposit offering higher rate of interest and thereby induced the public at large to invest their money as deposits in the Society and its branches. They alleged to have given promise that investors would get handsome returns within a short period. The first informants seem to have attracted to the fixed deposit schemes introduced by the Society and invested their hard earned money. Their hard earned money alleged to have been duped by the Board of Directors. The applicants in connection with co-

accused alleged to have hatched criminal conspiracy to induce public at large by introducing such investment schemes. The applicants are allegedly put the Society into loss of more than Rs. 40 Crores. The applicants are alleged to have misappropriated the huge money of more that 9 Crores.

31. The applicants are involved in number of crimes registered with various police stations. The investigation agency has recorded statements of various witnesses, collected documentary evidence and audit report, which are *prima facie* supporting to the allegations levelled in the respective FIRs. The applicants are involved in serious economic offences. Even though some of the Board of Directors are released on bail by the Additional Sessions Judge by way of cryptic order and without considering the material available with the charge-sheet, not any way helpful to the applicants to get bail on the ground of parity. There is *prima facie* case against the applicants showing their complicity in the commission of serious offences involving finacial scam of more than Rs.40 Crores.

32. Economic offences constitute a class apart and, therefore, different approach needs to be taken while considering their bail

applications. The economic offences having deep routed conspiracy constitute involving public money more than Rs.40 Crores needs to be viewed seriously. The offences alleged against the applicants have affected large number of investors who had invested their hard earned money in the depository schemes introduced by the Society and put to loss. I cannot overlook the nature of accusations, the nature of evidence collected by the investigating agency and audit report, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar, it is not a fit case to grant bail even though the investigation is completed and charge-sheet is filed.

33. The larger interest of the public at large needs to be considered. The financial scam has spread across the Ahmednagar District. This is the magnitude of the serious economic offences committed by the applicants who are the members of Board of Directors.

34. Having regard to the above reasons and looking to the serious economic offences committed by the applicants and looking to the larger interest of the public at large, I am not convinced to grant bail to the applicants.

ORDER

(i) The Bail Application Nos.315 of 2020, 204 of 2021, 507 of 2021, 1065 of 2021, 1073 of 2021, 1156 of 2021, 1159 of 2021, 1161 of 2021, 1261 of 2021, 1337 of 2021, 1338 of 2021, 1339 of 2021, 1340 of 2021 and 1341 of 2021 preferred by the respective applicants in connection with respective crimes are hereby rejected.

(ii) The Special Courts/trial Courts shall expedite the trial of abovesaid applicants. The Special Courts/trial Courts shall frame the charges within two months from today in respective cases and commence the trial.

(iii) If the trial is not commenced within six months from today, the applicants may renew their prayer for bail.

(v) The Registrar (Judicial) is requested to communicate this order to the concerned Special Courts/trial Courts for compliance.

(vi) The Bail Applications are accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane