IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

964 BAIL APPLICATION NO.1298 OF 2021

SANDIP ASHOKRAO HIWALE
VERSUS
THE STATE OF MAHARASHTRA

Shri. V. D. Sapkal, Senior Advocate i/b Shri. N. S. Kadam, Advocate for the applicant
Shri. G. O. Wattamwar, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.
DATED : 18th NOVEMBER, 2021

PER COURT :-

1. Heard.

2. Complainant Nilkanth Bindu filed private complaint before the learned Judicial Magistrate First Class, Majalgaon, Dist. Beed alleging therein that one Bharat @ Vijay Mariba Alzende Kisan Nagorao Misal and Bharat Nagorao Misal had lured the complainant Nilkanth and his wife Malti to invest in Parivartan Society of the applicants assuring that they would get attractive returns. Complainant Nilkanth deposited Rs.4,25,000/- on various dates with the Parivartan Society and his wife Malti deposited 3 lakhs in the

said society. When the complainant and his wife demanded the amount deposited by them in Parivartan Multi State Co-Op. Credit Society, applicant refused to give the said amount. According to the applicant he is a Manager in the said Society.

3. Learned Judicial Magistrate First Class directed registration of offence under Section 156(3) of Code of Criminal Procedure. Accordingly offence came to be registered vide Crime No. 212 of 2018 under Sections 420, 406, 409, 120(B), 467, 468, 471, 34 of the Indian Penal Code and under Sections 3 and 4 of MPID Act.

4. Learned Senior Counsel Shri. Sapkal submits that applicant was arrested in Crime No. 117 of 2018. The said offence has arisen out of the complaint of other investors. He submits that this offence is also an offshoot of the said Crime No. 117 of 2018. He submits that applicant has been released in CR No. 117 of 2018 on bail. He submits that applicant is an employee. He is not the person involved in

taking policy decisions. He further submits that applicant had not lured the investors to deposit the amount.

5. Learned APP Shri. Wattamwar submits that applicant refused to pay the amount to the investors i.e. complainants. He, therefore, opposes application for bail.

6. Charge-sheet is filed. Applicant is in jail since 25th September, 2018. Thus, he is in jail for more than three years. Applicant, admittedly, is the Manager in the said society. Nothing has been placed on record to show that applicant is the person who had approached the complainant and his wife thereby induced the complainant and his wife to deposit the amount in the said Society. Applicant is not involved in taking policy decisions. He has to act in accordance with the directions of the Board of Directors of the said Society. Three Directors are in jail in this crime. In this view of the matter, I am inclined to release the applicant on bail. Hence the order.

ORDER

1. Application is allowed.

2. Applicant be released on bail on his furnishing PR bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount in connection with CR No. 212 of 2018 under Sections 420, 406, 409, 120(B), 467, 468, 471, 34 of the Indian Penal Code and under Sections 3 and 4 of MPID Act registered with Majalgaon City Police Station, Dist. Beed and on condition that he shall not influence the witnesses, shall not tamper prosecution evidence and shall not leave India without the prior permission of the Court.

3. Application is disposed of.

4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M. G. SEWLIKAR, J.]

ssp