

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

Criminal Application (APPLN) No. 20 of 2021

(Satish Popatrao Kale ..vs.. State of Maharashtra through P.S.O., P.S., Pandharkwada, Dist. Yavatmal)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. P. Salunkhe, Advocate for the applicant
Mr. N. R. Rode, APP for the State

CORAM : ROHIT B. DEO, J.

DATED : 24-02-2021

Heard.

2. The applicant who is arraigned as accused in Crime 803/2017 registered with Pandharkawada Police Station for offences punishable under Sections 420 and 409 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act, 1999 is aggrieved by condition of deposit of cash security of Rs. 1,00,000/- in the Court, imposed by the Additional Sessions Judge, Kelapur, District Yavatmal who allowed the application for bail preferred under Section 439 of the Code of Criminal Procedure, 1973.

3. The applicant is facing multiple prosecutions, across the breadth and length of the State of Maharashtra. The applicant was the Chairman of Dhokeshwar Multi Urban Co-operative Credit Society, Lasalgaon, District Nashik. Fraud or misappropriation

is to the tune of Rs. 28,23,49,269/- (Rupees Twenty Eight Crores Twenty Three Lakhs Forty Nine Thousand and Two Hundred Sixty Nine). Insofar as the crime in connection with which the bail is granted and the condition of deposit of cash security of Rs. 1,00,000/- is imposed, the misappropriation is Rs. 1,32,00,000/- or thereabout.

4. Considering the gravity of accusations, the fact that the applicant is facing multiple prosecutions, the nature and extent of the misappropriation of hard earned money of investors, I do not find anything wrong in the condition imposed. The condition is not onerous as would render the right to bail nugatory. Be it noted that even according to the applicant, the value of his property is more than Rupees Twenty Eight Crores. If the applicant who is said to be an agriculturist has amassed property of more than Rupees Twenty Eight Crores, there is no reason why he would not be in a position to deposit Rs. 1,00,000/- in the Court. The submission of the learned counsel that the property of the applicant is already attached in a different crime is duly noted. That in itself is not relevant to determine the legality of the condition imposed. The fact that the applicant is the owner of property worth Rupees Twenty Eight Crores and more, is sufficient indication that he would be in a position to easily comply with the condition of deposit of Rs. 1,00,000/- in the Court.

5. The application is dismissed.

JUDGE

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