

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

CRIMINAL APPLICATION (BA) NO.185 OF 2021

(Sunit Keshaorao Pol Vs. State of Maharashtra thr. PSO PS Kotwali, Nagpur)

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

Court's or Judge's orders.

Mr. N. B. Bargat, Advocate for Applicant.
Mr. N. S. Rao, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 22nd DECEMBER, 2021.

Heard.

2. The applicant is seeking bail in connection with Crime 217/2019 registered with Police Station Kotwali, Nagpur for offences punishable under Sections 409, 420, 467, 468, 471 and 120-B of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (MPID Act).

3. The applicant was the Manager of Jai Shriram Urban Credit Co-operative Society (Society).

4. Mr. Dinesh Padgaokar preferred an application under Section 156 (3) of the Criminal Procedure Code, 1973 (Code) and pursuant to directions issued by the learned Magistrate to investigate into the complaint, Police Station Kotwali, Nagpur registered Crime 217/2019 for offences punishable under Sections 409, 420, 467, 468, 471, 120-B of the Indian Penal Code and Section 3 of the Maharashtra

Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

5. The prosecution case attributes a major role to the applicant in the financial irregularities, along with the then President Khemchand Meharkure. I have given due consideration to the material on record, and it will have to be granted to the prosecution, that there is a strong *prima facie* case against the applicant.

6. While several financial irregularities are alleged, one of the serious allegation is that on paper loans were shown to have been advanced, vouchers which bear the signature of the applicant and the President are created, however, the money has not reached the members who are the purported beneficiaries of the loan.

7. While there is a strong *prima facie* case against the applicant, for reasons briefly spelt out hereinafter, I am inclined to grant bail.

8. The applicant is a woman who is in custody since 15.01.2021.

9. The prosecution case rests on documentary evidence which is seized.

10. The bank accounts are seized.

11. At this stage, there is no material to suggest that the applicant shall be in a position to tamper with the evidence nor is it argued that she poses a flight risk.

12. The charge-sheet is girthy and the witnesses proposed to be examined are in hundred. It would be difficult if not impossible for the prosecution to assure this Court that the trial will be expeditiously concluded.

13. The application is allowed.

14. The applicant shall be released on bail on executing personal bond of Rs.16,000/- (Rupees Sixteen Thousand) with a solvent surety of like amount.

15. The applicant shall attend the office of the Economic Offences Wing, Nagpur on the 5th and the 15th day of every calendar month.

16. The applicant shall not make any attempt to directly or indirectly influence the witnesses or to tamper with the evidence.

17. The applicant shall surrender the passport, if not already surrendered.

18. The applicant shall not leave the country without the permission of the jurisdictional court.

JUDGE

NSN