

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

Criminal Application (BA) No. 543 of 2021

Sagar S/o Ramchand Galani Vs. The State of Maharashtra, Through Police
Station Officer, Police Station Gondia (City)

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

Court's or Judge's orders

Mr. A.A. Naik, Advocate for the applicant
Mr. S.D. Sirpurkar, APP for the respondent

CORAM : MANISH PITALE, J.

DATED : AUGUST 18, 2021

By this application, the applicant is seeking bail as he stood arrested on 16/01/2021, in connection with FIR No. 257/2019, dated 12/06/2019, registered at Police Station Gondia City District Gondia for offences under Sections 420, 465, 468, 471, 201, 406 and 120-B of the Indian Penal Code.

2. It is submitted by the learned counsel appearing for the applicant that the FIR in the present case was registered on the allegation that audit report pertaining to the Pat Sanstha (registered society) of which the applicant is the Secretary, demonstrated that there had been large scale misappropriation of amounts, due to which number of aggrieved persons had approached the authorities. In the present case, the provisions of the The

Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999, have also been invoked.

3. The learned counsel appearing for the applicant submits that even as per the allegations in the FIR and the documents filed along with the cahrgesheet, it is alleged that the applicant had caused misappropriation of the said amount to the tune of Rs. Three Crores, in conspiracy with co-accused persons, who are the Directors of the said Society. It is submitted that the Investigating Officer in the present case stated that he did not wish to arrest the co-accused persons since the investigation was complete, while the applicant has been languishing in jail from 16/01/2021. It is further submitted that evidence in the present case, considering the nature of the allegations, is necessarily documentary in nature and the documents are already in the custody of the Investigating Officer. On this basis, it is submitted that the present application deserves to be allowed.

4. The learned APP has opposed the grant of bail by referring to detailed reply filed on behalf of the State. By referring to paragraphs 6 and 7 thereof, it is pointed out that there are specific grounds on which grant of bail is being opposed. Attention of this Court is invited to the extent of misappropriation

in the present case and the fact that there are large number of aggrieved persons in the present matter. It is also contended that the applicant appears to be the main accused in the present case.

5. Having heard the learned counsel for the rival parties and upon perusal of the material on record, particularly the contents of the FIR, as also chargesheet and the voluminous documents filed therewith, it is evident that the present case concerns misappropriation of large amounts and that the relevant material is necessarily in the form of documents, including audit reports. There is no dispute about the fact that the relevant documents are already in the custody of the Investigating Officer and that pursuant to completion of investigation, chargesheet is already filed. None of the other accused persons have been taken into custody, although the record shows that they were Directors of the Pat Sanstha in question and that the allegation in the present case is that the co-accused persons in conspiracy with the applicant before this Court had caused such large scale misappropriation of amount.

6. There is no dispute about the fact that the applicant is behind bars since 16/01/2021. In view of the aforesaid admitted facts, this Court is of the opinion that the applicant can be granted conditional bail, particularly in the backdrop that the

investigation is complete and most of the relevant material is in the form of documents, which is already in the custody of the Investigating Officer and that all the other accused persons have not been arrested during the course of investigation. Therefore, the application is allowed in the following terms :

(a) The applicant shall be released on bail in connection with FIR No.257/2019, dated 12/06/2019, registered at Police Station Gondia City, District Gondia, on furnishing PR bond of Rs.1,00,000/- (Rs. One Lakh) and solvent surety in the like amount.

(b) The applicant shall report to Police Station Gondia City, District Gondia, on every Monday between 10:00 AM and 12:00 Noon during pendency of the trial.

(c) The applicant shall attend proceedings before the Trial Court on each and every date.

(d) The applicant himself or through any other person shall not influence witnesses or tamper with the evidence in any manner.

7. Needless to say, violation of any of the aforesaid conditions will make the applicant liable for cancellation of bail.

8. Application stands disposed of.

JUDGE