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

Criminal Application (BA) No. 926 of 2021

[Purushottam S/o Tulshiram Bele (in jail) **..vs..** State of Maharashtra through P.S.O., P.S., Wathoda, Nagpur and anr.]

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

Mr. Anand Jaiswal, Senior Advocate with Mr. V. S. Giramkar, Advocate for the applicant
Mrs. K. R. Deshpande, APP for the State/non-applicants

CORAM : ROHIT B. DEO, J.
DATED : 06-10-2021

The applicant is seeking bail in connection with Crime 425/2020 registered with Police Station, Wathoda, Nagpur for the offences punishable under Sections 409, 420, 467, 468, 469, 471 and 120-B read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act.

2. The crime is registered on the basis of report lodged by Mr. Pundlik Palandurkar who audited the accounts of Vishwakarma Gramin Bigar Sheti Sahakari Patsanstha Maryadit (Society) for the period 2016 to 2019.

3. In view of the fair response of the learned Additional Public Prosecutor Mrs. Deshpande and the Investigating Officer who is personally present, to a Court query, it would not be necessary to note with particularity the narration in the report. The substratum is that the financial irregularities and/or illegalities cost the depositors an amount of Rs. 2,22,80,710/- (Rupees Two Crores Twenty Two Lacs Eighty Thousand Seven Hundred and Ten).

4. The applicant is implicated in the crime on the premise that he was, at the relevant time, the Chairman. The submission of learned Senior Counsel Mr. Anand Jaiswal is that while the allegations against and the role attributed to the applicant may perhaps reveal administrative lapses, and at the highest, administrative incompetence, there is no material to suggest criminal culpability. The learned Senior Counsel would submit, that holistically reading, the role in the financial irregularities is attributed to co-accused Digambar Yewale, who was then the Manager of the Society and

Mrs. Suvarna Kokde, the then Cashier of the Society. The learned Senior Counsel would submit that what is, in essence, alleged is lack of supervision qua affairs of the Society.

5. In view of the submission, a pinpointed query was made to the prosecution whether the said submission is broadly acceptable and at any rate whether submission is consistent with the prosecution case as is discernible from the material in the charge-sheet. It is fairly stated that the applicant is arraigned as accused since he failed to prevent the fraud and in a sense facilitated the fraud due to the lack of supervision which he was expected to exercise.

6. The investigation is complete and the charge-sheet is filed. The case of the prosecution is based on documentary material which is made part of the charge-sheet. The applicant is in custody since 24-12-2020. Considering the role attributed, further incarceration would be a pre-trial punishment. It is not even the case of the prosecution that the applicant poses a flight risk.

7. The application is allowed.

8. The applicant be released on bail on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount subject to the following conditions.

(a) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(b) The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE

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