

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.965 OF 2022

Shri Nandlal Kesar Singh

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. Rajendra Deshmukh, Senior Counsel with
Mr. Shriram V. Deshmukh, Advocate for
Hulyalkar and Associates Law Firm for applicant
Mr. V.S. Badakh, A.P.P. for respondent – State, assisted by
Mr. R.D. Biradar, Advocate for interveners
.....

WITH

CRIMINAL APPLICATION NO.2369 OF 2022

Bapurao s/o Madhavrao Ugile

... APPLICANT

VERSUS

Nandlal s/o Kesar Singh & anr.

... RESPONDENTS

.....
Mr. R.D. Biradar, Advocate for applicant
Mr. Rajendra Deshmukh, Senior Counsel with
Mr. Shriram V. Deshmukh, Advocate for
Hulyalkar and Associates Law Firm for respondent No.1.
Mr. V.S. Badakh, A.P.P. for respondent No.2 – State
.....

WITH

CRIMINAL APPLICATION NO.2370 OF 2022

Nivrati Nagnath Khalangre

... APPLICANT

VERSUS

Nandlal s/o Kesar Singh & anr. ... **RESPONDENTS**

.....

Mr. R.D. Biradar, Advocate for applicant
Mr. Rajendra Deshmukh, Senior Counsel with
Mr. Shriram V. Deshmukh, Advocate for
Hulyalkar and Associates Law Firm for respondent No.1.
Mr. V.S. Badakh, A.P.P. for respondent No.2 – State

.....

WITH

CRIMINAL APPLICATION NO.2340 OF 2022

Madhav s/o Goroba Dudhbhate ... **APPLICANT**

VERSUS

Nandlal s/o Kesar Singh & anr. ... **RESPONDENTS**

.....

Mr. R.D. Biradar, Advocate for applicant
Mr. Rajendra Deshmukh, Senior Counsel with
Mr. Shriram V. Deshmukh, Advocate for
Hulyalkar and Associates Law Firm for respondent No.1.
Mr. V.S. Badakh, A.P.P. for respondent No.2 – State

.....

CORAM : R. G. AVACHAT, J.

DATE : 30th AUGUST, 2022.

PER COURT :

Criminal Application Nos.2369/2022, 2370/2022
and 2340/2022 are allowed. The interveners are permitted to
assist learned A.P.P.

2. Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant Nandlal Kesar Singh is arrested in connection with Crime No.0116/2018, registered at Shivaji Nagar Police Station, Latur for the offences punishable under Sections 420, 409, 406, 467, 468, 471 read with Section 34 of the Indian Penal code and Section 3 of the Maharashtra Protection of Interest of Depositors Act.

3. The learned A.P.P. and learned counsel for the interveners would submit that, it is an economic offence. Poor farmers and labours have invested their hard earned money. The amount involved in the present crime is little over 15 Crores of rupees. The applicant has been involved in similar offences registered at various places in India. According to learned counsel for the interveners, the applicant is a domicile of Nepal. Once he is granted bail, he may flee from India and may not be available to face the trial. The investors have filed Writ Petition/s seeking directions for further investigation. The magnitude of the offence may get swelled. Both the learned A.P.P. and learned counsel for the interveners, therefore, urged for rejection of the bail application.

4. The applicant has been behind the bars for little over one year. The learned A.P.P. informs that, the Bank Account of the applicant with the sum of Rs.1,66,00,000/- therein has been freezed. It is also informed that, the immovable property of the applicant and the Company worth Rs.19 Crores of rupees has been attached under the provisions of the M.P.I.D. Act. Further procedure for sale of those properties would be taken up by the concerned authorities for realisation of the amount for payment to the investors. It is informed by the learned Senior Counsel for the applicant that, the applicant has been granted bail in all other crimes registered in Maharashtra State. Some of the accused have still been at large. It will take time for their arrest and put them to trial. On investigation, the charge sheet has been filed against the present applicant and some others as well. It will take time for commencement and conclusion of the trial.

5. Since the amount involved in the present crime has been secured by attachment of the Bank Account of the applicant and the immovable properties, totaling worth Rs.21 Crores, the Court is inclined to grant to the applicant bail.

Hence the order :-

ORDER

(i) The Bail Application is allowed.

(ii) On condition of applicant depositing a sum of Rs.75,00,000/- (Rupees seventy five lakhs) as a security towards the dues, with the Court seized of the matter, within a period of four weeks from today, the applicant be released on bail in connection with Crime No.0116/2018, registered at Shivaji Nagar Police Station, Latur for the offences punishable under Sections 420, 409, 406, 467, 468, 471 read with Section 34 of the Indian Penal code and Section 3 of the Maharashtra Protection of Interest of Depositors Act on his executing P.R. bond in the sum of Rs.25,000/- (Rupees twenty five thousand) with one surety in the like amount. It is made clear that, deposit of the amount as aforesaid is condition precedent for release of the applicant on bail. This amount, on deposit, shall be at the disposal of the authority under the M.P.I.D. Act to pay up the claims of the investors.

(iii) The applicant shall mark his attendance at the

concerned police station twice a month i.e. on every Second and Fourth Sunday between 11.00 a.m. and 12.00 noon.

(iv) The applicant shall not tamper with the prosecution evidence in any manner.

(R. G. AVACHAT, J.)

fmp/-