

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

932 CRIMINAL APPLICATION NO.2756 OF 2022
IN
CRIMINAL APPEAL NO.645 OF 2022

RANGNATH KASHINATH KASHID
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. R N Dhorde Sr. Counsel i/b
Mr. Dhorde Vikram R
APP for Respondent : Mr. P G Borade

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CORAM : SHRIKANT D. KULKARNI, J.
Dated : September 16, 2022

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PER COURT :-

1. It is an application for suspension of sentence and bail moved by the applicant/original accused no.6.

2. Heard Mr. R.N.Dhorde, learned senior counsel for the applicant/accused no.6 and Mr. Borade, learned APP for the State/respondent, at length.

3. Mr. R.N.Dhorde, learned senior counsel for the applicant/accused no.6 submitted that he is seeking bail mainly on the ground of parity coupled with other grounds. He submitted that, main accused Sachin Bajrang Kawde, who was working as a Manager of the

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Dhanganga Svyamsahayata Gramin Bigar Sheti Sahakari Patsanstha Maryadit, Ghulewadi has been released on bail by this Court vide order dated 28.7.2022 (criminal application no.1720 of 2022). He submitted that, practically similar role is attributed against this applicant/original accused no.6. He invited my attention to the findings recorded by the Trial Court/ Additional Sessions Judge, Sangamner in Special Case No.8 of 2018. He submitted that, accused no.1 Sachin Kawde and this applicant/original accused no.6 have been held guilty for the offences punishable under sections 409, 467 of the IPC and u/s 3 of the Maharashtra Protection of Interest of Depositors (Financial Establishments) Act, 1999. He submitted that, maximum sentence awarded against the applicant/original accused no.6 is of Ten years. The applicant/original accused no.6 has already undergone more than 8 months. He submitted that, in view of several lacunas in the Audit Report and weak quality of evidence of the first informant, the prosecution agency has miserably failed to prove the charges levelled against

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this applicant/original accused no.6 beyond reasonable doubt. The applicant/original accused no.6 was working as a Chairman of the said Society. He had no role to play in the day-to-day transaction. Mr. Dhorde, learned senior counsel therefore, urged to grant bail to this applicant/original accused no.6. Mr. Dhorde, learned senior counsel submitted that the applicant/accused no.6 has deposited the entire fine amount with the trial court.

4. Mr. Borade, learned APP for the State strongly opposed to allow this application. He submitted that, role of this applicant/original accused no.6 is important. He was working as a Chairman of the said society at the relevant time. The role of Chairman and Board of Directors in sanctioning of loans is important. Mr. Borade, learned APP took me through the relevant part of the impugned judgment and order and submitted that this applicant has played major role in the commission of offence of misappropriation, criminal breach of trust and fraud. Mr. Borade, learned APP also

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invited my attention to the observations and findings recorded by the learned Additional Sessions Judge, Sangamner, more particularly, paragraph nos.13, 14, 15, 17 and 18 to 21. He submitted that the prosecution has produced cogent evidence against all the accused and proved all offences against the applicant and others beyond reasonable doubt. He submitted that, in view of the role played by this applicant/original accused no.6, he is not entitled to get bail.

5. I have considered the submissions of learned senior counsel for the applicant/accused no.6 and learned APP for the State. I have also gone through the copy of the bail order passed by this Court in criminal application no.1720 of 2022 dated 28.7.2022 pertaining to Sachin Kawade/original accused no.1. On perusing the same, it is revealed that this court was pleased to grant bail to original accused no.1/applicant Sachin Kawade by suspending the sentence vide order dated 28.7.2022, however, on certain conditions. It is rightly pointed out by Mr. Dhorde, learned Senior counsel for

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the applicant that the role attributed against this applicant/original accused no.6 and role attributed to the accused no.1 Sachin Kawade is practically similar and identical. Both of them have have been convicted for the above said offences. Sachin Kawade came to be convicted for the offence punishable u/s 409, 418, 467, 468 and 471 of the IPC and u/s 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 and maximum sentence awarded against him is for Ten years in addition to fine amounts imposed under respective penal sections. As pointed out earlier applicant/original accused no.1 Sachin Kawade has been released on bail on certain conditions by this Court vide order dated 28.7.2022, present applicant/original accused no.6 is also entitled to get bail on the ground of parity. There are no extraordinary circumstances to take different view in this matter. Moreover, the applicant/original accused no.6 was behind bars for eight months. There are remote chances to take up this appeal for final hearing in near future. There is no question of tampering of witnesses

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and evidence. Whatever record and evidence that has been seized with the trial Court which can be looked into while conducting the appeal finally.

6. Having regard to the above reasons and discussion, there is no need to keep this applicant/original accused no.6 behind bars during the pendency of the appeal. He is entitled to get bail on the ground of parity. In the result following order is passed.

ORDER

- i. The application is hereby allowed.
- ii. The substantive sentence passed against the applicant/accused no.6 in Special Case no.8 of 2018 by the Additional Sessions Judge, Sangamner is hereby suspended till final decision of the appeal.
- iii. The applicant/original accused no.6 shall be released on bail on his furnishing PR bond of Rs.1,00,000/- (Rs. One Lakh) with one or two solvent sureties of the like amount on the following conditions :-
 - a. He shall furnish his in-detail address as well as names with addresses of his

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two close relatives with the concerned police station and Court.

- b. He shall report his attendance once in a month i.e. on First Day of every month with the concerned police station, till final decision of the appeal.
 - c. Bail before the trial court.
- iv. Criminal application is accordingly disposed off.

(SHRIKANT D. KULKARNI, J.)

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