

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

920 BAIL APPLICATION NO.1525 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND

921 BAIL APPLICATION NO.1526 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND

922 BAIL APPLICATION NO.1527 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND

923 BAIL APPLICATION NO.1528 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND

924 BAIL APPLICATION NO.1529 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND
925 BAIL APPLICATION NO.1530 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

926 BAIL APPLICATION NO.1531 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

927 BAIL APPLICATION NO.1532 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

928 BAIL APPLICATION NO.1533 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

929 BAIL APPLICATION NO.1534 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

930 BAIL APPLICATION NO.1535 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND
931 BAIL APPLICATION NO.1536 OF 2021
PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

932 BAIL APPLICATION NO.1537 OF 2021
PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

933 BAIL APPLICATION NO.1538 OF 2021
PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

934 BAIL APPLICATION NO.1539 OF 2021
PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

935 BAIL APPLICATION NO.1540 OF 2021
PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

936 BAIL APPLICATION NO.1541 OF 2021
PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND
937 BAIL APPLICATION NO.1542 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

938 BAIL APPLICATION NO.1543 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

939 BAIL APPLICATION NO.1544 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
AND

940 BAIL APPLICATION NO.1545 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

941 BAIL APPLICATION NO.1546 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

942 BAIL APPLICATION NO.1547 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND
943 BAIL APPLICATION NO.1548 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

944 BAIL APPLICATION NO.1549 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

945 BAIL APPLICATION NO.1550 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

946 BAIL APPLICATION NO.1564 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

947 BAIL APPLICATION NO.1565 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

948 BAIL APPLICATION NO.1566 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND
949 BAIL APPLICATION NO.1567 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

950 BAIL APPLICATION NO.1568 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

951 BAIL APPLICATION NO.1569 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

952 BAIL APPLICATION NO.1570 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

953 BAIL APPLICATION NO.1571 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

954 BAIL APPLICATION NO.1572 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND
955 BAIL APPLICATION NO.1573 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

956 BAIL APPLICATION NO.1574 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

957 BAIL APPLICATION NO.1575 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

958 BAIL APPLICATION NO.1576 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

959 BAIL APPLICATION NO.1577 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

960 BAIL APPLICATION NO.1578 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND
961 BAIL APPLICATION NO.1579 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND
962 BAIL APPLICATION NO.1580 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND

963 BAIL APPLICATION NO.1581 OF 2021
WITH BA/636/2020

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND

964 BAIL APPLICATION NO.1582 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND

965 BAIL APPLICATION NO.1583 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND

966 BAIL APPLICATION NO.1584 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND
967 BAIL APPLICATION NO.1585 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

968 BAIL APPLICATION NO.1586 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

969 BAIL APPLICATION NO.1622 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

970 BAIL APPLICATION NO.1623 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

971 BAIL APPLICATION NO.1624 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

972 BAIL APPLICATION NO.1625 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND
973 BAIL APPLICATION NO.1626 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

974 BAIL APPLICATION NO.1627 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

975 BAIL APPLICATION NO.1628 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

976 BAIL APPLICATION NO.1629 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

977 BAIL APPLICATION NO.1630 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
AND

978 BAIL APPLICATION NO.1631 OF 2021

PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

AND

979 BAIL APPLICATION NO.1632 OF 2021

**PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

...

AND

980 BAIL APPLICATION NO.1633 OF 2021

**PRAMOD BHAICHAND RAISONI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicants : Mr. Mahesh S. Deshmukh
APPs for Respondent-State : Mr. A.V. Deshmukh and Mr. S.B. Narwade in
respective matters

...

CORAM : MANGESH S. PATIL, J.

DATE : 20.07.2022

PER COURT :

Heard the learned advocate for the applicants and the learned
APPs.

2. These are the applications for bail under Section 439 of the Code of Criminal Procedure by two of the accused in different cases which arise out of several crimes registered with different police stations throughout Maharashtra which have been clubbed and transferred to and are pending in the Special Court at Jalgaon established under the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, 1999 (herein after 'the MPID Act'), for the offence under

Section 3 as also for offences under Sections 406, 409, 420 and 120-B read with Section 34 of the Indian Penal Code.

3. The applicant No.1 is the Ex-Chairman and the applicant No.2 is the Ex-Director of a Multi-State Cooperative Credit Society. There are 81 cases of which 77 are police cases and four are private complaints.

4. The learned advocate for the applicants would submit that they were arrested on 02.02.2015 and remained in police custody in aggregate for 210 days in different crimes. They along with few other accused had approached this Court. Their bail applications were rejected. The order of this Court was challenged before the Supreme Court but the Special Leave Petition (Crl.) was dismissed.

5. The learned advocate for the applicants would submit that since after rejection of earlier applications for bail, a period of more than four years has elapsed. Pursuant to the directions of the division bench of this Court the matters were clubbed and transferred to Jalgaon. The special court was expected to undertake the hearing expeditiously. If all the charge sheets are taken into account there would be around 1800 witnesses. The learned Judge of the special court in the report forwarded in May has mentioned about only 288 witnesses having been examined till 12.04.2022. There is no possibility of the trial getting over even in next few years. The applicants have been in jail for more than 6 ½ years. Since it is a case under Special Act the maximum punishment awardable under the MPID Act would be 6 years. In 14 matters the accused have been released on bail by various

courts. In couple of matters this Court has protected them and in one matter even the case has been closed by filing 'B' summary report. The applicants are aged 60 and 75 years. They are suffering from various ailments. Permanent incarceration cannot be permitted. It would be against the personal liberty enshrined under Article 21 of the Constitution of India.

6. The learned advocate also submits that number of properties worth more than 140 crores have already been seized under the provision of the MPID Act by issuing necessary notification. He would cite decision in the matter of **Union of India Vs. K.A. Najeed; (2021) 3 Supreme Court Cases 713, Jahir Hak Vs. State of Rajasthan; 2022 All.M.R.(Cri) 2284 and Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency; Criminal Appeal No.1525/2021 dated 01.12.2021.**

7. The learned APPs strongly opposes the request. He submits that there are no supervening events since rejection of the earlier applications for bail, except lapse of time. There are no other grounds to reconsider the request. It is a serious economic offence. This Court had considered the case on merits and had rejected the applications for bail. Even the Supreme Court had confirmed the order. Pertinently, even then the Supreme Court had refused to cause any interference in the order of this Court notwithstanding long period of custody and being without deposit of reasonable amount of the alleged misappropriated/defalcated money. This impediment still continues.

8. He submits that the Special Court has been conducting the hearing regularly. Several matters have become part heard. As on today 315 witnesses have been examined. The applicants are also to be blamed for the delay. The alleged misappropriation in aggregate is of more than one thousand crore rupees. The applications may be rejected.

9. I have carefully considered the rival submissions and perused the papers.

10. At the outset, it is necessary to mention that the learned advocate for the applicants has not, and in my considered view rightly, argued on the merits of the matters. The entire emphasis has been laid on the supervening events.

11. Besides, since this Court has already considered the request of the applicants as also the other accused on merits and has rejected the earlier applications for bail and the order having been confirmed by the Supreme Court, one need not and cannot enter into the aspect of sufficiency or otherwise of the material collected during investigation making out strong case against the applicants.

12. Turning to the aspect of supervening events or change in the circumstances, certainly a period of more than four years has elapsed since rejection of the earlier applications for bail. It is also apparent that a division bench of this Court while clubbing different cases and transferring them to the Special Court at Jalgaon had directed the Special Court to conduct the hearing expeditiously rather with expectation that preferably

the special court would conduct the trial on day to day basis. It is also true that in the matters of **Union of India Vs. K.A. Najeeb, Jahir Hak Vs. State of Rajasthan** and **Ashim @ Asim Kumar Haranath Bhattacharya** (supra) the accused were granted bail involving the matters under the Unlawful Activities Prevention Act. There is also material to show that pursuant to the provision of the MPID Act even the State Government has issued a notification attaching as many as 22 properties worth around 150 crores. It also appears that the number of witnesses would run into several hundreds and even it is apparent that the trial is unlikely to get over in the foreseeable future and would take may be another year or so.

13. However, in my considered view, the aforementioned circumstances are not sufficient enough to enable this Court to reconsider the request for bail.

14. It is an economic offence of a great magnitude, involving several accused who are the office bearers and employees of a credit co-operative society. They have allegedly committed the crime by hatching a conspiracy and in a systematic manner. Considering the fact that the maximum punishment awardable for the offences could be life imprisonment, the fact that the applicants have been behind the bar for 6 ½ years would not bring their case under Section 436-A of the Code of Criminal Procedure.

15. Admittedly, the Special Court is making every endeavour to conduct the trial expeditiously. As is submitted by the learned APP 315

witnesses have been examined by now. The division bench had clubbed the matters and transferred the cases to Jalgaon by the order dated 02.05.2019. After such clubbing, in the wake of pandemic perhaps some time was lost.

16. Besides, the learned Judge of the special court while rejecting the applicants application for bail by his recent order dated 12.02.2021 has even referred to the efforts being taken by him in conducting the matter and also the circumstances which prevented him from commencing the trial some of which have been attributed to the accused persons as also. Pertinently, even he has referred to a circumstance wherein the accused were got transferred on a production warrant from a Magistrate from Rajasthan but they were not sent back. The jail authorities at Jalgaon had informed him that Rajasthan police were not bringing the accused back and were about to release them. The special court had to thereafter pass an order addressing a letter to the Director General of Police, Rajasthan and it is thereafter that they could be brought back to Jalgaon jail.

17. Apart from the above state of affairs, at the cost of repetition, it is necessary to bear in mind that while dismissing the Special Leave Petition of the applicants and the other accused the Supreme Court had on an earlier occasion refused to interfere in the order of this Court refusing bail by specifically observing that no interference in the order of this Court notwithstanding long period of custody and being without deposit of reasonable amount of the alleged misappropriated/defalcated money. Even today, the applicants and the other accused have not deposited reasonable

amount as was expected by the Supreme Court. Therefore, this would be an additional reason for refusing to grant bail.

18. With respect, the decisions in the matter of **Union of India Vs. K.A. Najeeb, Jahir Hak Vs. State of Rajasthan** and **Ashim @ Asim Kumar Haranath Bhattacharya** (supra) have been rendered in the peculiar facts and circumstances of the case obtaining therein, none of the circumstances which are peculiar to the matter in hand were before the Supreme Court.

19. Taking into consideration all the aforementioned state of affairs, in my considered view, the applicants are not entitled to be released on bail.

20. The Applications are rejected.

(MANGESH S. PATIL, J.)

habeeb