IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2371 OF 2022

Mansingh Maruti Patil ... Applicant
versus
The State of Maharashtra ... Respondent

Mr.Tapan Thatte with Mr.Dilip Shinde, Advocate for applicant.
Ms.P.N.Dabholkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th October 2022

PC :

1. The applicant is arrested on 6th June 2020 in Crime No.68 of 2020 registered with Islampur Police Station. The investigation was subsequently conducted by Economic Offences Wing, Sangli.

2. The case of prosecution is that the applicant, co-accused Jitendra Patil (son of the applicant) and Snehalkumar Patil induced the complainant to invest in Universal Beverage which is a proprietorship firm of Snehalkumar Patil and engaged in business of packaged drinking water. The accused assured returns @ 24% p.a on the invested amount. The first informant had invested amounts from 13th March 2018 to 29th January 2020, however, promises of returns were not fulfilled. Loss of Rs.14.68 lakh was caused to the complainant. During the course of investigation it was revealed that there were 168 investors who made investments in Universal Beverage and total amount of misappropriation is Rs.4,88,22,200/-



3. The applicant was chairman of Maruti Tatya Bigar Sheti

Patsanstha up to 2015 and thereafter he had discontinued to act as chairman of said society.

4. Learned advocate for the applicant submitted that the applicant is in custody for a period of more than two years. The applicant was not concerned with Universal Beverage. The alleged misappropriation was committed in respect to the said concerned. The allegation against applicant is that he had induced the investors to invest in Universal Beverage. Amount of Rs.70,000/- was credited into the account of applicant from Universal Beverage. The co-accused Jitendra Patil is granted bail by this Court vide order dated 18th April 2022.

5. Learned APP submitted that in the FIR it is categorically stated that even the applicant had induced the investors to invest in Universal Beverage. Thus he was participating in the activities of said concerned. The amount of Rs.70,000/- had credited in to his account by Universal Beverage. The applicant was acting as chairman of the society referred to hereinabove. Case of co-accused Jitendra Patil who has been granted bail by this Court can be distinguished.

6. The alleged misappropriation was conducted in respect to Universal Beverage. The applicant is not concerned with the said concern. It is, however, alleged that the applicant had induced the investors to invest amount Jitendra Patil was also not concerned with Universal Beverage. He has been granted bail by this Court in Bail Application No.262 of 2021 vide order dated 18th April 2022. While allowing said application it was observed by this Court that

allegations against said applicant is that he was acting with accused Nos.1 and 2 and the applicant being shown as a nominee of fixed deposit receipt of Rs.20 crores of Union Bank of India, which was found to be fake. The said deposit is shown to be in the name of Universal Beverage of which Snehalkumar is said to be the proprietor. Investigation is completed. Charge sheet is filed. The said accused was in custody from 6th June 2020 and prima facie shown to be not concerned with Universal Beverage and the credit society. The contention of applicant is that he discontinued to function as chairman of said society since 2015. The allegation against accused is that Rs.70,000/- was transferred from the account of Universal Beverage to the account of applicant. It needs to be considered that the applicant is in custody for a period of two years. His further custody is not warranted. The applicant is aged around 60 years. There are no criminal antecedents. Hence bail can be granted.

**ORDER**

(i) Bail Application is allowed and disposed off;

(ii) The applicant is directed to be released on bail in connection with Crime No.68 of 2020 registered with Islampur Police Station, investigated by EOW, Sangli, on executing PR bond in the sum of Es.50,000/- with one or more solvent sureties in the like amount;

(iii) The applicant is permitted to furnish cash bail in the sum of Rs.50,000/- for eight weeks in lieu of sureties;

(iv) The applicant shall attend Trial Court on the date of hearing on each date unless exempted by the Trial Court for some reason;

(v) The applicant shall not deal with any movable/immovable properties, seized or subject matter of charge sheet;

(vi) the applicant shall file an undertaking to that effect before Special Court within one week of his release;

(vii) The applicant shall surrender his passport, if any, before Special Court;

(viii) The applicant shall not tamper with evidence witnesses;

(ix) In the event of breach of any condition, liberty to the prosecution to apply for cancellation of bail;

(x) Observations made herein are only for considering the application for bail.

(PRAKASH D. NAIK, J.)

MST