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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 398 OF 2022**

Suvarna Ramesh Motewar Applicant.
Vs.
The State of Maharashtra Respondent.

Mr. Hrishikesh Mundargi i/b Paavni Chaddha for the Applicant.
Ms. PN. Dabholkar, APP for the Respondent/State.

CORAM: NITIN W. SAMBRE, J.

DATE: SEPTEMBER 26, 2022

P.C.:-

1] Applicant is seeking regular bail in Crime No. 384 of 2014 registered with Chaturshrungi Police Station, Pune for the offence punishable under Sections 406, 409, 420 read with Section 120-B of the IPC and 34 of the IPC, under Section 3 of the MPID Act, under Sections 4, 5 and 6 of Prize Chit and Money Circulation Schemes (Banning) Act and under Sections 58(b) and 58(c) of the RBI Act.

2] Few facts necessary for deciding present Bail Application are as under:-

3] Samruddha Jeevan Multi State Multi-purpose Co-operative

Society Ltd. (hereinafter referred to as “Society” for the sake of brevity) has operated through 400 Branches throughout the country. Said Society was in the business of finance. By giving lucrative offers, the Society solicited deposits with promise of higher returns than the normal bank rates, collected amount in fixed deposit, live stock etc and defaulted in repayment. As such, the offence is question.

4] It appears that CBI has investigated the offence pursuant to the directions of the Apex Court dated 09/05/2014 passed in Writ Petition (Civil) No.401 of 2013 and 413 of 2013 and in Writ Petition (Civil) No.324 of 2014.

5] The main Accused Mahesh Kisan Motewar alongwith co-accused who were Directors conspired with the present Applicant, diverted the amount from the said Society to 16 various Bank Accounts of Applicant which in turn was invested in the land. Amongst other evidence which is claimed to be available against the Applicant is, statements of 16 Bank Accounts, Forensic Audit Report, Index-II of the properties purchased out of the finance received from the said Society.

6] While seeking regular bail, Counsel for the Applicant would urge that investigation in the matter is over. As such, Applicant is charge-sheeted. It is further claimed that other similarly placed accused persons are already released on bail. Further contentions are, nothing remained to be seized from the Applicant and she being lady has suffered sufficient incarceration, as against maximum punishment prescribed for the offence alleged.

7] Learned APP while opposing the prayer would urge that Applicant is involved in a serious economic offence and evidence pin points direct involvement of the Applicant being beneficiary of the public money. As such, it is claimed that Application be rejected.

8] I have appreciated the said submissions.

9] It is a fact that main accused and other similarly placed accused persons viz Mahesh Motewar and Prasad Paraswar are already released on bail, details of which are as under:

(i) Mahesh Kisan Motewar – Applicant is released

on bail in C.R. No.384 of 2014 registered at Chaturshrungi Police Station vide order of this Court dated 23rd August, 2019 passed in Criminal Bail Application No.1734 of 2019.

(ii) Mrs Leena Mahesh Motewar – Applicant is released on bail in C.R. No.384 of 2014 registered at Chaturshrungi Police Station vide order of this Court dated 19th June, 2018 passed in Criminal Bail Application No.249 of 2017.

(iii) Supriya Vasant Kanase – Applicant is released on bail in C.R. No.384 of 2014 registered at Chaturshrungi Police Station vide order of this Court dated 9th December, 2020 passed in Criminal Bail Application (St) No.4980 of 2020.

(iv) Prasad Kishor Paraswar – Applicant is released on bail in C.R. No.384 of 2014 registered at Chaturshrungi Police Station vide order of this Court dated 9th December, 2020 passed in Criminal Bail Application No. 923 of 2020.

10] The case of the present Applicant can be treated on par with the said accused persons. Already recoveries are effected from the Applicant and she is very much available for facing the prosecution. That being so, in my opinion, case for grant of bail is made out.

11] Applicant is directed to be released on bail in C.R. No. 384 of 2014 registered with Chaturshrungi Police Station, Pune for the

offence punishable under Sections 406, 409, 420 read with Section 120-B of the IPC and 34 of the IPC, under Section 3 of the MPID Act, under Sections 4, 5 and 6 of Prize Chit and Money Circulation Schemes (Banning) Act and under Sections 58(b) and 58(c) of the RBI Act, on executing P.R. Bond of Rs 1,00,000/- (Rupees one lakh) with one or two sureties in the like amount. Applicant shall neither influence the witnesses nor tamper with the evidence. Applicant shall attend the trial regularly. Applicant shall surrender her passport to the Trial Court, if not already surrendered.

12] Application is disposed of.

(NITIN W. SAMBRE, J.)