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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3502 OF 2021**

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. 243 of 2016 registered with Deccan Police Station, Pune for the offence punishable under Sections 406, 409, 420 read with Section 120-B of the IPC and under Section 3 of the MPID 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5] The main Accused Mahesh Kisan Motewar alongwith co-accused who were Directors conspired with the present Applicant, withdrawn the amount from the said Society from 16 various Bank Accounts and invested in the land. Amongst other evidence which is claimed to be available against the Applicant is her statement of 16 Bank Accounts, Forensic Audit Report, Index-II of the properties purchased etc.

6] While seeking regular bail, Counsel for the Applicant would urge that investigation in the matter is also 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, considering 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.243 of 2016 registered at Deccan Police Station vide order of this Court dated 23rd June, 2021 passed in Criminal Bail Application No.148 of 2021.

(ii) Prasad Kishor Paraswar – Applicant is released on bail in C.R. No.I-243 of 2016 registered at Deccan Police Station vide order of this Court dated 24th September, 2020 passed in Criminal Bail Application No.3433 of 2019.

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.243 of 2016 registered with Deccan Police Station, Pune for the offence punishable under Sections 406, 409, 420 read with Section 120-B of the IPC and under Section 3 of the MPID Act on executing PR. 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.)