

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 4004 OF 2021

Pawandeepsingh Mahendrasingh Kohli ..Applicant
Vs.
The State of Maharashtra ..Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 4008 OF 2021**

Laxman Mariba Waghmare ..Applicant
Vs.
The State of Maharashtra ..Respondent

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Mr. Jaydeep Chatterji a/w. Ms. Munira Palanpurwala, for the
Applicant in BA 4004/2021.

Mr. Aniruddha Ghule-Patil, for the Applicant in ABA
No.4008/2021.

Mr. Pravin P. Chavan, Special PP a/w. Mr. S. R. Agarkar, APP for the
Respondent / State.

**CORAM : C.V. BHADANG, J.
DATE : 2 MARCH 2022**

P.C.

. Both these Applications, seeking bail, arise out of Crime
No.135/2015 of Police Station Shivaji Nagar, Beed, under Section
409, 418, 420, 467, 468, 471 and 120(B) r/w. 34 of IPC and Section

13(1)(c) and 13(1)(d) r/w. 13(2) of the Prevention of Corruption Act, 1988. The aforesaid crime is registered on the basis of the complaint lodged by Anil Mhaske, Zonal Manager of *Sahitya Ratna Annabhau Sathe Vikas Mahamandal District Aurangabad* ('Corporation', for short).

2. The aforesaid Corporation, was formed with the object of providing financial aid for the upliftment of the backward classes in the form of providing educational loans and margin money etc. Ramesh Naganath Kadam (Accused No.1) was appointed as a Chairman of the Corporation for a period of three years from 13 August 2012. He worked as such, till his removal on 12 December 2014. According to the prosecution, the Chairman in conspiracy with the other Accused, had siphoned off and misappropriated an amount of Rs.6,58,64,178/- of the Corporation.

3. In so far as the Applicant Pawandeepsingh Kohli (BA No.4004/2021) is concerned, it is alleged that the Applicant in collusion with the Accused No.1 had received an amount of Rs.35,57,886/- which was transferred from the account of the Corporation to the account of Satnam Automobile Aurangabad, with Axis Bank. It is alleged that said withdrawal was made, from the account of the Corporation, without any sanction.

4. The allegation in so far as the Applicant Laxman Waghmare is concerned is that, he had ferried cash which was handed over to Accused Ramesh Kadam.

5. I have heard the learned counsel for the parties. Perused record.

6. The learned counsel for the Applicant Pawandeepsingh Kolhi submitted that the Applicant is arrayed as an Accused in six out of the nine offences registered in the State and he has been released on bail in five cases. He placed reliance on the orders passed by the Supreme Court granting bail to the co-accused Santosh Ingale, the Additional Managing Director and Haridas Dalvi, the Managing Director of the Corporation. It is submitted that the Applicant was arrested on 13 June 2017 and has completed more than four years in jail.

7. The learned counsel for the Applicant Laxman Waghmare has submitted that the name of the Applicant figured in the supplementary statement of the Complainant Anil Mhaske, which was recorded on 25 December 2015. It is submitted that the only allegation against the Applicant is of having facilitated the movement of the cash which was received by Accused Ramesh Kadam. The learned counsel has also placed reliance on the orders

passed by the Supreme Court on which reliance is placed by the Applicant Pawandeepsingh Kolhi.

8. The learned Special P.P. has submitted that the public funds of the Corporation which were granted with the avowed object of the upliftment of the backward classes have been siphoned off by the accused. However, learned APP has submitted that looking to the fact that the Applicant has been granted bail in five out of the six crimes registered against him, this Court may pass appropriate orders. Learned Special P.P. has further pointed out that there is a possibility of the Applicant and the other co-accused making attempt to protract the trial, once released on bail. He therefore submitted that this Court may expedite the trial.

BA NO. 4004/2021

9. It appears that there are nine offences registered in the State at different places concerning the misappropriation of the funds of the Corporation, out of which, the Applicant is an Accused in six offences as under.

Sr. No.	Crime No. and District
1	Crime No.80/2015 Kadim Jalna Police Station, District Jalna
2	Crime No.135/2015 Shivajinagar

	Police Station, District Beed
3	Crime No. 88/2015 Navamondha Police Station, District Parbhani
4	Crime No.107/2015 Buldhana City Police Station, District Buldhana
5	Crime No.119/2015 Hingoli City Police Station, District Hingoli
6	Crime No.336/2015 Dahisar Police Station, District Mumbai,

10. The Applicant has been granted bail by the learned Sessions Court in Crime No.88/2015, 107/2015 and 119/2015. In two other crimes namely Crime No.80/2015 and 336/2015, the Supreme Court has granted bail to the Applicant vide order dated 6 July 2021 and 18 May 2021 respectively. Thus, the present crime is the only case where the Applicant is in custody.

11. It further appears that on 5 November 2020 the Supreme Court has granted bail to co-accused Santosh Shankar Ingale, the Additional Managing Director of the Corporation, inter alia for the reason of his incarceration for 4 years and 9 months. Similarly, on 25 March 2021, the Supreme Court has granted bail to Haridas Vitthal Dalvi, the Managing Director of the Corporation who was in custody for around 5 years. A perusal of the order passed by the

Supreme Court granting bail to the Applicant in Crime No.80/2015 and 336/2015 shows that the same has been granted interalia on the ground of period of custody undergone by the Applicant and on account of the fact that the bail was granted to the co-accused namely Santosh Ingale and Haridas Dalvi.

12. It is on account of the aforesaid circumstances that the learned counsel for the Applicant has sought parity.

13. It is a matter of record that in five out of the six crimes in which the Applicant is arrayed as an Accused, he has been released on bail. In three crimes, he has been released on bail by the learned Sessions Court, while in two crimes, he has been released on bail by the Supreme Court, interalia on the ground of period of his incarceration and the ground of bail to other two co-accused, referred above. In the present crime, the Applicant is shown to be arrested on 13 June 2017 and has completed almost 4 years and 8 months in jail.

BA NO.4008/2021

14. In so far as Applicant, Laxman Waghmare, is concerned, it can be seen that the Applicant has been arrayed as an Accused in five crimes as under

Sr. No.	Crime No. and District
1	Jalna Crime No.80/2015 registered with Kadim Jalna Police Station Jalna.
2	Parbhani Crime No.88/2015 registered with Navamondha Police Station Parbhani.
3	Buldhana Crime No.107/2015 registered with City Police Station Buldhana.
4	Hingoli Crime No.119/2015 registered with City Police Station Hingoli.
5	Beed Crime No.135/2015 registered with Shivaji Nagar Police Station Beed.

The Applicant has been granted bail by the learned Sessions Judge in four out of the five crimes and the present crime is the only case where the Applicant is in custody since 1 February 2018. The allegation against the Applicant is of ferrying cash, received by the Accused Ramesh Kadam.

15. In my considered view, having regard to the fact that the Applicants have already been released on bail in other crimes and looking to the period of incarceration which is more than four years, the Applicants deserve to be released on bail.

16. Hence, the following order.

ORDER

- (i) The Criminal Bail Applications are allowed.
- (ii) The Applicant Pawandeepsingh Mahendrasingh Kohli (BA No. 4004/2021) and Applicant Laxman Mariba Waghmare (BA No.4008/2021), in Crime No.135/2015 of Police Station Shivaji Nagar, Beed, be released on bail, on executing a P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties each, in the like amount.
- (iii) The Applicants shall undertake to remain present before the learned trial Court, during the course of trial, unless exempted.
- (iv) The Applicants shall not directly or indirectly make any attempt to tamper with the prosecution evidence or witnesses.
- (v) The trial is expedited. An endeavour shall be made to complete the trial within a period of one year from the receipt hereof. The parties to cooperate for the time bound disposal of the matter.

(vi) It is made clear that the observations made herein are *prima facie* in nature, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

C.V. BHADANG, J.