

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

CRIMINAL BAIL APPLICATION NO.4081 OF 2021

Ashok Ganpat Dhokte

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Arjun Vinod Bobde a/w Mr.Samsher Garud, Mr.Pramod Kale,
Ms.Shubhangi Ajay Jadhao, Ms.Juhi Valia i/b Jaykar and Partners
for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 16 MARCH 2022

P.C.

. By this Application, the Applicant (Accused No.17) is seeking release on bail in Crime No.150 of 2017 of Sinnar Police Station, District-Nashik.

2. The aforesaid offence is registered on the basis of the complaint dated 29 August 2017 lodged by Ajay Rathi who is a Chartered Accountant. The informant was appointed as a Statutory Auditor for auditing the account books of Sinnar Urban Co-operative Credit Society, Sinnar ('Society' for short) for the period 2014-15 and 2015-16. The Statutory Auditor conducted the Audit of the Society from 18 November 2015 to 3 July 2017

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and the Audit Report was submitted on 3 July 2017 to the District Deputy Registrar of Co-operative Societies.

3. According to the prosecution it was disclosed during the audit that the members of the Board of Directors of the said Society including the General Manager, Manager and other office bearers had conspired and sanctioned loans irregularly without obtaining proper security. It was also alleged that the loans were sanctioned beyond the territorial jurisdiction within which the Credit Society was supposed to operate resulting into loss to the depositors. It appears that the FIR mentions in all 17 to 18 persons who were responsible for the various irregularities in the matter of the financial operations of the said Credit Society.

4. In this case after investigation a charge-sheet is filed and the matter is pending before the learned Special Court at Nashik.

5. I have heard the learned counsel for the Applicant and the learned Additional Public Prosecutor. Perused record.

6. The learned counsel for the Applicant has pointed out that out of the 23 accused, all except the present Applicant, who was the Manager of the said Credit Society have been released on bail.

7. It is pointed out that the learned Special Court in the order dated 8 September 2021 (below Application Exhibit-294) while refusing to grant bail to the Applicant has noted in paragraph No.9 that the prime accused Suraj Shah and Appasaheb Janjire have also been released on bail. He pointed out that the only reason shown by the learned Special Court for refusing bail to the Applicant is an apprehension that, if the Applicant is released on bail, he will continue to help the main accused in dissuading the witnesses from deposing before the Court. It is submitted that the bail could not have been refused, once the main accused are shown to be released on bail.

8. The learned Additional Public Prosecutor has pointed out order dated 28 July 2021 by which this Court in Criminal Bail Application No.3202 of 2019 has granted bail to one of the prime accused. It is pointed out that one of the considerations which weighed with this Court was that the Applicant had offered immovable property as a security of which valuation from the Government Valuer is shown to be Rs.6,83,99,912/-. Apart from that an amount of Rs.53,90,426/- lying in the savings bank account has also been offered.

9. The learned Additional Public Prosecutor however, did not dispute that the present Applicant is the only accused who is still in custody.

10. I have carefully considered the rival circumstances and the submissions made.

11. It appears that the Accused No.6 Jayant Ugle and the accused No.11 Ratnaprabha Waje have not been arrested on account of their age and illness. Out of the rest of the accused all except the present Applicant have been released on bail. It may be mentioned that the co-accused Rajendra Gore who is the Chairman and the Balasaheb Pawar, Vice Chairman are both released by the learned Special Court. The other accused who are Directors have also been released on bail by the learned Special Court.

12. The investigation is complete and the charge-sheet is filed. The Applicant was arrested on 25 January 2018 and since then he is in custody. The prosecution has cited about 313 witnesses. The trial is yet to commence. Thus there is no possibility of the conclusion of the trial in near future.

13. Considering the overall circumstances, I do not find any justification to detain the Applicant behind bar pending trial. In the result the following order is passed.

ORDER

- i) The Applicant-Ashok Ganpat Dhokte, be enlarged on bail in Crime No. 150 of 2017, registered

with Sinnar Police Station, District Nashik, on his furnishing a P.R. bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount.

(ii) The applicant shall attend the trial on each date. On his two consecutive absence during trial, the prosecution will be at liberty to apply for cancellation of the Applicant's bail.

(iii) The Applicant shall not tamper with the evidence or attempt to influence/ contact the complainant, witnesses or any person concerned with the case;

(iv) The application is disposed of in the aforesaid terms.

C.V. BHADANG, J.