



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.2087 OF 2023**

1. Bharat Haridas Sawant,
Age 50 years, Occu. Service,
R/o Bhakti Construction, Vishweshwar,
Nagar, Beed, Tq. & Dist. Beed.
2. Sudam Rustum Kale,
Age 41 years, Occ. Service,
R/o Dhangar, Javalka, Tq. Patoda,
Dist. Beed. ..Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Shivajinagar Police Station,
Beed, Tq. & Dist. Beed. ..Respondent

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Mr. S. S. Thombre, Advocate for the Applicants.
Mr. S. A. Gaikwad, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 12th DECEMBER, 2023.**

PER COURT:-

1. The applicants seek regular bail in connection with Crime No.360/2022 registered with Shivajinagar Police Station, Dist. Beed for the offence punishable under 406, 409, 420, 467, 120-B r/w 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (for short 'MPID Act, 1999').

2. The investigation was set in motion on the basis of information given by Mr. Santosh Appasaheb Jagtap alleging that he had invested the amount of Rs.26,08,975/- in his own name and amount of Rs.27,16,000/- in the name of his brother with the Jijau Masaheb Multi State Co-operative Credit Society Ltd., Beed in

Fixed Deposits. Since he was in need of money, he sought to withdraw amount. However, the President of the Society, his son and other Directors failed to repay the amount and finally declared that Society is insolvent. The Chairman of the Society, her husband alleged to have lured the depositors to make investments with the Society, since it offers 13% interest on FDR. It is further alleged that the deposits made by the investors are utilized by the Directors of the Society for their educational institution. Even, they have purchased the agriculture lands and luxury cars. It is further alleged that large number of persons have invested the amount with the Society. The investors are duped for total amount of Rs.7,72,52,962/-. On the basis of the aforesaid information offence came to be registered and applicants are arrested on 20.07.2023 under the pretext that they were Directors of the concerned Society. The investigation progressed and charge-sheet is filed.

3. Mr. Thombre, learned Advocate appearing for the applicants would strenuously submit that applicants are employees working in the school run by the Jai Santoshi Mata Sevabhavi Sanstha. The husband of the Chairman of this Credit Society is Chairman of that Education Society. He would further point out that during the investigation, no incriminating material could be collected to show involvement of the applicants as Directors in conduct of the Society. He would point out that the applicants are falsely shown as Directors. The only information received from ICICI Bank names the applicants to be Directors, which is based on the list of Directors provided by the Chairman of the Jijau Masaheb Multi State Co-operative Credit Society Ltd., Beed. He would submit that the applicants are falsely implicated as an accused. They had no role in conduct of the Society.

4. The learned APP strongly opposes the prayer for grant of bail. He would submit that *prima facie* the material on record indicates that the applicants were holding post of Directors, as such, they are responsible for day to day business of the Society. Therefore, rightly charge-sheeted for the offences. He would point out that in this crime, there is misappropriation of more than Rs.7 crores. The large number of innocent depositors have been lured to make an investment and the amounts have been siphoned.

5. Having considered submissions advanced and after going through the material available in the charge-sheet, it can be gathered that there is no clinching evidence to show that the applicants were elected as Directors of the Society. It appears that the applicants are alleged to be Directors on the basis of communication received from ICICI Bank. Except that, there is no other document by which the contention regarding their Directorship can be confirmed.

6. There is nothing to show that the applicants have at any point of time attended the meeting of the Directors of the Society, they were party to the disbursement or they have personally gained any pecuniary advantage out of transactions of the Society. *Prima facie*, there is reason to believe that the applicants were employee in the Educational Institution run by the family members of the Chairman and they are shown as Directors.

7. Although such observations are *prima facie* in nature, considering the fact that the investigation in the matter is complete and charge-sheet is filed, further detention of the applicants would not be necessary. Hence, case is made out for

grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, Bharat Haridas Sawant and Sudam Rustum Kale be released on bail in Crime No.360/2022 registered with Shivajinagar Police Station, Dist. Beed for the offence punishable under 406, 409, 420, 467, 120-B r/w 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (for short 'MPID Act, 1999') on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:
 - a. The applicants shall not tamper with the prosecution evidence in any manner.
 - b. The applicants shall not leave State of Maharashtra without giving itinerary with the Investigating Officer of the crime.
 - c. The applicants shall submit their permanent address alongwith contact numbers with the Investigating Officer of the crime and shall update the same time to time till conclusion of the trial.
- (iii) Bail Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE