



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

**BAIL APPLICATION NO. 1108 OF 2023
WITH
INTERIM APPLICATION NO. 1851 OF 2023
WITH
INTERIM APPLICATION NO. 2726 OF 2023**

NITIN @ NITEEN
SUBHASHCHANDRA SHAH ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
INTERIM APPLICATION NO. 1945 OF 2023
IN
BAIL APPLICATION NO. 1108 OF 2023**

DURGA RANJIT JAGTAP AND ORS. ..APPLICANTS
VS.
STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

**WITH
INTERIM APPLICATION NO. 1701 OF 2023
IN
BAIL APPLICATION NO. 1108 OF 2023**

AABASAHEB DATTAJIRAO DESHMUKH ..APPLICANT
VS.
STATE OF MAHARASHTRA ..RESPONDENT

Mr. H.S. Venegavkar i/b Mr. C.P. Yadav for the Applicant.

Mr. Aniket Vagal for the Intervener in IA/1945/2023.

Mr. Vaibhav Gaikwad i/b Atharva Bhingardev for the
Intervener in IA/1701/2023.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 26, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned counsel for the interveners and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 420 and 406 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, ("MPID Act", for short) registered on 03/10/2022 vide C.R. No.477 of 2022 with Vita Police Station, Sangli.
- 3.** The applicant is accused No.2. The main accusations are against accused No.1. The role of the present applicant is that he introduced the complainant to accused No.1. It is further alleged that whenever the monies were handed over to accused No.1 by the complainant, the applicant was present. It is also the accusation that the applicant was a beneficiary of some part of the amount. The main beneficiary is accused No.1. In view of the additional

affidavit filed by the accused No.1 in Bail Application No. 1096 of 2023, the amount to some extent is secured. The applicant has filed an affidavit duly affirmed by him wherein it is stated thus:

"3. I declare that myself or my wife and son above named do not have any immovable property / properties and or four wheeler vehicle in our name at Pune and or at any other place.

4. I further declare that on 24.01.2014 one two wheeler scooter made by TVS Vego company bearing No. MH 12 KV6761 was purchased in the name of my wife Geeta Shah. I say that in the year 2017 the said two wheeler scooter was given by me to one of our relatives viz. Mrs. Kshama Shah for her permanent use and occupation. I declare that the said two wheeler scooter is in use and possession of Mrs. Kshama Shah till date. I say that now we came to know that the said Mrs. Kshama Shah has not transferred the said two wheeler scooter in her name from the name of my wife Geeta Shah. I say that at present the market value of the said scooter will be around Rs. 08 to 10 thousand.

5. I further declare that neither my wife viz. Geeta Shah nor my Son viz. Siddhant Shah are having are having any immovable property /properties on their name at Pune and or at any other place.

6. I further declare that I am having my saving account in the Bank of Baroda, Branch at Market yard, Pune bearing saving account no.15150100005830 which is seized by Police in the aforesaid C.R. I undertake that I will not operate and or withdraw any amount lying in my aforesaid bank account during the pendency of the aforesaid case. I further declare that I was having another saving account in AXIS Bank, Branch at Sadashiv peth, Pune bearing account No.920010034635104. I say and

declare that the said saving account No. 5104 was not operated by me and the same is dormant. I declare that at present except the aforesaid bank account I do not have any other bank account/s in operation in any other bank/s.

7. I say that my wife Geeta Shah is working as House keeping Incharge in the LOC Hospital at 21/43, Sadashiv Peth, Pune - 30 and having salary an amount of Rs. 22,000/- p.m. I further say that my son Siddhant is working as hourly basis teacher and he is earning around Rs. 50,000/- per month

8. I further declare that my wife Geeta N. Shah is having her saving account in the Bank of Baroda, Branch at Gultekadi, Pune bearing saving account No. 15150100005833, the balance in the said account as of today is Rs. 01,020.14/-. I further declare that my wife Geeta is having another saving account in AXIS Bank, Branch at Sadashiv peth Pune bearing account no. 920010034635201, the balance in the said account as of today is Rs. 11,530.38/-. I further The declare that my wife Geeta is having her salary account in the Bank of Baroda, Gultekadi Branch, Pune bearing saving / salary account no. 151501000015970, the balance in the said account as of today is Rs. 52,041.71/-

9. I further declare that my son Siddhant Shah is having his saving account in the Bank of Baroda, Branch at Market yard, Pune bearing saving account no.15150100007215 which is also seized by Police in the aforesaid C.R. I say that Siddhant Shah is also having another saving account in AXIS Bank branch at Sadashiv Peth Pune bearing saving account no. 920010034635182, the balance in the said account as of today is Rs. 00.00/-. I say that Siddhant Shah is having his another account in DCB Bank, Branch at Sadashiv peth, Pune bearing saving account no. 4811500005814, the balance in the said accounts as of today is Rs. 02,02,017.76/-. I say that my son and my wife earning independently and they are having their own source of income. I say that the amounts shown in bank account of my wife and my son is

their own income and they are only bread earning members in our family. I say that my son Siddhant is having financial liabilities towards his wife and newly born baby. I say that my father is 87 years old and he is ill health and bed ridden. I say that my wife is having financial liabilities towards me and my old aged ailing father. I say that since 2019 I am suffering from uncontrolled high diabetics and ill health. I say that I do not have my own source of income to survive my family.

10. I say that the aforesaid residential house bearing Plot no. 673/2, B-6 at Denalaxmi Society, Bibwewadi, Pune 411037 in which me and my family members resides is owned and possessed by my father Mr Subhashchandra Gulabchand Shah.

11. I hereby undertake that, except what is stated by me in the aforesaid paras, if any immovable property / properties and or Bank account found on my name and or in the name of my wife and or in the name of my son above named in future, the same shall be liable for attachment according to law and I will not obstruct the said attachment and will not transfer and or dispose of the said non-disclosed immovable property and or withdraw any amount from any non-disclosed bank account's during the pendency of the aforesaid criminal case. I further undertake that in case of any breach of the aforesaid undertaking, I have been made to understand that the bail granted by this court shall be liable to be cancelled.

12. I say that I have not received any amount as alleged in the aforesaid C.R from Complainant and or from any other Investors at any time and I have been falsely implicated in the aforesaid C.R."

4. The application is strenuously opposed by learned APP and learned counsel for the interveners. The applicant has been in custody for almost a period of 11 months.

Considering that the amount has been secured to some extent and the maximum sentence prescribed under the MPID Act is up to 6 years, the applicant can be enlarged on bail. There are criminal antecedents against the applicant but having regard to the nature of the antecedents, in my opinion, the same are not such to deprive the applicant the facility of bail. The investigation is complete and the charge-sheet has been filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Nitin @ Niteen Subhashchandra Shah in connection with C.R. No.477 of 2022 registered with Vita Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Vita police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police

Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall attend the trial regularly.

(g) The applicant shall surrender his passport, if any, with the trial Court.

(h) If there is any breach of the statements made in the affidavits or default, it is open for the complainant and prosecution to file an application for cancellation of bail.

(i) The applicant to be abide by the statements made in the affidavits.

5. The bail application is disposed of. All interim applications also stand disposed of.

(M. S. KARNIK, J.)