



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

BAIL APPLICATION NO. 2569 OF 2023

1. MANOJ RAMESH BHOIR
2. PANDURANG MARUTI PAWSHE
3. VAIBHAV RAMAKANT GIRDHAR ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Vikram V. Tare-Patil a/w Mr. Jaipal V. Tare-Patil and Mr. Sachin N. Nangare, for the Applicants.
Mr. N. B. Patil, APP for the State.
API- Mr. Santosh Awati, EOW Raigad present.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 20, 2023

P.C. :

- 1.** Heard learned counsel for the applicants and learned APP for the State.
- 2.** This is an application for bail in respect of the offences punishable under sections 406, 409, 420, 467, 471, 120B of the Indian Penal Code, 1860 and under sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, registered on 10/08/2019 vide C.R. No. 70 of 2019 with Roha Police Station.
- 3.** The main accused - Satyavan @ Sattu Krishna Keni was

enlarged on bail by the order of this Court dated 29/08/2023 passed in Bail Application No. 1008 of 2023. For convenience, the said order is reproduced which substantially covers the facts of the present application also.

“2. This is an application for bail in respect of the offences punishable under Sections 406, 409, 420, 467, 471, 120(B) of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, registered vide C.R. No.70 of 2019 dated 10/08/2019 with Roha Police Station.

3. The applicant was arrested on 03/12/2019 and is in custody for a period of more than 3 years and 6 months awaiting trial as the trial is likely to take a long time to conclude. There are two First Information Reports (FIR) registered against the applicant. The applicant is a partner of Bijankur Group of Companies. So far as the present FIR is concerned, it is alleged that several investors have been duped by the applicant to the tune of Rs.6,78,00,000/- (Rupees Six Crores Seventy Lakhs). The learned counsel for the applicant, on instructions, states that the applicant has no objection to the attachment of the properties belonging to the applicant which are worth more than Rs.15,00,00,000/- (Rupees Fifteen Crores).

4. Learned APP while opposing the application states that the properties which are the subject matter of attachment are worth not more than Rs.5,00,00,000/- (Rupees Five Crores). Learned APP insisted that the applicant should provide for more security for the balance amount.

5. Learned counsel for the applicant, on instructions of the wife of the applicant, states that they are willing to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs) with the trial Court to show bonafides, over and above the properties which are subject matter of attachment and to which the applicant has no objection. The undertaking/affidavit to be filed in this Court within 2 weeks of the release of the applicant. The statement is accepted. The investigation is complete. The chargesheet is filed. Any further incarceration of the applicant would amount

to a pre-trial punishment.”

4. Applicant no.1 was arrested on 03/12/2019 and is in custody for more than 3 years and 10 months. Applicant no. 2 was arrested on 03/12/2019 and is now in custody for more than 3 years and 10 months. Applicant no.3 was arrested on 27/01/2021 and is now in custody for more than 2 years and 8 months. The main accused has been enlarged on bail.

5. Learned counsel for the applicants submits on instructions that the applicant no.1-Manoj undertakes to deposit a sum of Rs.3 lakh in the trial Court within 6 months from the date of his release. Statement is accepted. Learned counsel on instructions submits that applicant no.2- Pandurang undertakes to deposit a sum of Rs. 1 lakhs in the trial Court within a period of 6 months from the date of his release. Statement is accepted. Learned counsel on instructions further submits that the applicant no. 3-Vaibhav undertakes to deposit in the trial Court a sum of Rs.2.5 lakhs within a period of 6 months from the date of his release. Statement is accepted. Learned counsel for the applicants submits that the statements are on instructions and voluntary.

6. Learned APP opposed the application and submitted that the

amount involved in the offence is substantial in nature. Apart from the fact that the application should be rejected, he submitted that this Court should ensure that the applicants provide adequate security over the amount involved in the offence.

7. The main accused is enlarged on bail. On parity and considering the period the applicants have spent in custody pre-trial, further custody will be only by way of a pre-trial punishment. The applicants will face the consequences of the trial if found guilty. Learned counsel for the applicants on instructions also undertakes to file the affidavits that the applicants have no objection to the trial Court attaching their properties if any in accordance with law. The affidavits incorporating the aforestated statements to be filed within 15 days from the date of release of the applicants. The same is without prejudice to the rights and contentions of the parties. The investigation is complete. The charge-sheet has been filed. I am inclined to enlarge the applicants on bail. Hence, the following order:-

ORDER

- (a) The application is allowed.
- (b) The applicant no. 1- Manoj Ramesh Bhoir, applicant no. 2 Pandurang Maruti Pawshe and applicant no.3- Vaibhav Ramakant

Girdhar in connection with C.R. No. 70 of 2019 registered with Roha police station shall be released on bail on their furnishing PR. Bond of Rs.50,000/- each with one or more local sureties in the like amount.

(c) The applicants shall attend the investigating officer of the Kharghar police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicants 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 applicants shall not tamper with evidence.

(e) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the investigating officer and shall keep him updated, in case there is any change.

(f) The applicants shall attend the trial regularly. The applicants shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) The applicants to abide by the undertakings/affidavit.

8. The application is disposed of.

(M. S. KARNIK, J.)