

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION (BA) NO. 1354 OF 2022

Mangesh s/o Vilas Giradkar vs. The State of Maharashtra

CRIMINAL APPLICATION (BA) NO. 1408 OF 2022

Lokesh s/o Marotrao Rehpade vs. The State of Maharashtra (In Jail)

CRIMINAL APPLICATION (BA) NO. 1445 OF 2022

Yogesh Marutrao Rehpade vs. The State of Maharashtra (In Jail)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Sanket K. Bhandarkar, Advocate for applicants.
Mr. V. A. Thakre, APP for respondent State.

CORAM : ANIL L. PANSARE J.

DATE : 11/01/2023

Heard.

2. The applicants have filed these applications under Section 439 of the Criminal Procedure Code, 1973 (CrPC). They have been arrested in December, 2019 in Crime No.1012 of 2019, registered with Police Station Chandrapur City, District Chandrapur for the offence punishable under Sections 406, 409, 420, 120-B read with Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999 (MPID Act).

3. The learned counsel for the applicant submits that multiple crimes came to be registered against the applicants in various districts in Maharashtra, so also in Surat at Gujrat for similar such offences. The accusation is that they have introduced Recurring Deposit Scheme with attractive returns in the form of interest and duped many persons.

4. Learned counsel for the applicant further submits that the property belonging to the applicants have been seized by the Investigating Agency. The value of the property according to him is sufficient to protect the interest of the investors. He also submits that in the crimes of similar nature, this Court was pleased to grant bail to some of the applicants vide order dated 26/09/2022 in Criminal Application (BA) No.1114 of 2022 and similar such other matters, the details of which are as follows :-

Sr. No.	Case Nos.		Order dated
1	Criminal Application (BA)No.1259/2020	:-	07/09/2021
2	Criminal Application (BA)No.1214/2022	:-	07/12/2022
3	Criminal Application (BA)No.579/2022	:-	06/09/2022
4	Criminal Application (BA)No.619/2022	:-	14/09/2022
5	Criminal Application (BA)No.281/2022	:-	03/08/2022

5. One of the contentions raised by the applicants is that the ingredients of Section 409 of the Indian Penal Code (IPC) could not be attracted, considering the fact that the Society under question and the applicants who are responsible to run its business are neither a public servant, nor a banker, merchant, factor, broker, attorney or agent. *Prima facie* there appears arguable case in favour of the applicants, since the Society under question has been registered with object that relates to encouraging agricultural business.

6. The other offences under which the applicants have been booked has maximum punishment of seven years. The applicants are in jail for considerable period viz more than 3½ years. The charges have not been framed. It will take some time to commence and conclude the trial.

7. Learned APP however, submits that if the applicants are released on bail, they may tamper with the prosecution evidence or influence the prosecution witnesses. The apprehension can be dealt with by putting applicant to appropriate terms. In the facts and circumstances of the present case and considering that the applicants are in jail more than

3½ years, they are entitled to be released on bail,
Hence the following order :-

ORDER

- A) Criminal Applications are allowed.
- B) The applicants, namely, **(1) Mangesh s/o Vilas Giradkar (2) Lokesh s/o Marotrao Rehpade and (3) Yogesh Marutrao Rehpade** be released on bail in Crime No.1012 of 2019 registered with Police Station, Chandrapur City, District Chandrapur for the offences punishable under Sections 406, 409, 420, 120-B of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999, on they executing PR Bond in the sum of Rs.50,000/- [Rupees Fifty Thousand only] each with one or two solvent sureties in the like amount.
- C) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case, so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.

D) The applicants shall not leave the territory of Chandrapur City without prior permission of the Court, till the trial is over.

E) The applicants shall maintain law and order.

F) The applicants shall, at the time of execution of bond, furnish their addresses and telephone/mobile number(s) to the Investigating Officer and the Court concerned, and shall not change the residence till the final disposal of the case.

G) The applicants shall surrender their passport, if any, before the Investigating Officer within a period of one week from today, and if they do not possess any passport, they shall file affidavit to that effect.

H) The applicants shall attend the Court on each and every date of the trial. Further, they shall not seek unnecessary adjournments and cooperate in early disposal of the trial.

I) In case of breach of any condition, the learned trial Court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.