



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

1 CRIMINAL APPLICATION NO. 293 OF 2024
IN BA/1056/2022

JANARDHAN ARVIND PARULEKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sachin Deshmukh, h/f Mr. Majit S. Shaikh.
APP for Respondent/State : Mr. Mukesh K. Goyanka.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 22nd January, 2024.

P.C.:

1 The applicant prayed for modification / relaxation of the condition of granting bail in Bail Application No.1056 of 2022 dated 29th September, 2022. Clause (II) of the operative part of order dated 29th September, 2022, reads as under:-

“(II) The applicant be released on bail, in connection with Crime No. 137 of 2016 registered with Osmanpura Police Station, Dist. Aurangabad for the offences punishable under Sections 406, 420 and 120-B read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, on executing P.R. Bond in the sum of Rs.10,00,000/- (Rupees Ten Lakh) with one surety in the like amount.”

2 The learned counsel for applicant pointed out the order of the Honourable Supreme Court passed in SMWP (Criminal) No.4 of 2021 dated 31st January, 2023, in which on page No.9, the earlier directions were reproduced, which are as under:-

“1) The Court which grants bail to an undertrial prisoner/convict would be required to send a soft copy of the bail order by e-mail to the prisoner through the Jail Superintendent on the same day or the next day. The Jail Superintendent would be required to enter the date of grant of bail in the e-prisons software [or any other software which is being used by the Prison Department].

2) If the accused is not released within a period of 7 days from the date of grant of bail, it would be the duty of the Superintendent of Jail to inform the Secretary, DLSA who may depute para legal volunteer or jail visiting advocate to interact with the prisoner and assist the prisoner in all ways possible for his release.

3) NIC would make attempts to create necessary fields in the e-prison software so that the date of grant of bail and date of release are entered by the Prison Department and in case the prisoner is not released within 7 days, then an automatic email can be sent to the Secretary, DLSA.

4) The Secretary, DLSA with a view to find out the economic condition of the accused, may take help of the

Probation Officers or the Para Legal Volunteers to prepare a report on the socio-economic conditions of the inmate which may be placed before the concerned Court with a request to relax the condition(s) of bail/surety.

5) In cases where the undertrial or convict requests that he can furnish bail bond or sureties once released, then in an appropriate case, the Court may consider granting temporary bail for a specified period to the accused so that he can furnish bail bond or sureties.

6) If the bail bonds are not furnished within one month from the date of grant bail, the concerned Court may suo moto take up the case and consider whether the conditions of bail require modification/relaxation.

7) One of the reasons which delays the release of the accused/convict is the insistence upon local surety. It is suggested that in such cases, the courts may not impose the condition of local surety.”

3 The learned counsel for applicant prayed that the applicant is not economically sound to furnish the surety of Rs.10,00,000/-. He prayed for relaxation of the same.

4 The learned APP for the State has strongly objected the application and pointed out paragraph 4 of the original order of bail application, which reads as under:

“4. During investigation of the present crime, it was transpired that various crimes were registered against the above named companies, their founders, chairman and members of board of directors as well. The amount involved in all those crimes is stated to be Rs.17,43,45,81,642/-. It was also transpired during investigation of the present crime that over 3000 investors deposited their hard earned money totaling to Rs.1,56,70,65,024/-. The applicant had been arrested in connection with some other crimes way back in 2016. He was taken into custody in the present crime in 2018.”

5 The learned APP also relied upon condition No.6 in the order of the Honourable Supreme Court relied upon by the learned counsel for applicant cited (supra). He lastly prayed to reject the application.

6 No doubt that the applicant is involved in serious crime and the amount duped is Rs.17,43,45,81,642/- and more than three thousand investors have deposited their hard earned money, however, the Court has granted bail and only on inability to submit surety of Rs.10,00,000/- and in view of the directions and guidelines of the Honourable Supreme Court in the case cited (supra), the application deserves to be partly allowed. The condition to the extent of submitting surety is to be relaxed and it is modified as under:-

ORDER

- I. The application is partly allowed.
- II. The applicant be released on bail, in connection with Crime No.137 of 2016 registered with Osmanpura Police Station, Dist. Aurangabad for the offences punishable under Sections 406, 420 and 120-B read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, on executing P.R. Bond in the sum of Rs.10,00,000/- (Rupees Ten Lakh) with one surety in the sum of Rs.1,00,000/- (Rupees One Lakh).

7 It is clarified that the applicant has to furnish P.R. bond of Rs.10,00,000/- (Rupees Ten Lakh Only) and surety of Rs.1,00,000/- (Rupees One Lakh Only).

[SANJAY A. DESHMUKH, J.]

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