



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

963 BAIL APPLICATION NO. 427 OF 2024

RATNAKAR PANDHARINATH BADA KH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shailendra S. Gangakhedkar.
APP for Respondent/State : Mrs. Pratibha J. Bharad.
...

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

DATE : 09th May, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.), for grant of regular bail in connection with Crime No.6293 of 2020, registered with Tophkhana Police Station, District Ahmednagar, for the offences punishable under Sections 3, 4, 5, 6, 7, 8 and 13 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act (for short "the M.P.I.D. Act) and under Sections 403, 406, 408, 409, 417, 418, 419, 420, 421, 422, 423, 424, 426, 427, 465, 466, 467, 468, 471, 474, 477, 477-A, 120-B, 107, 108, 109, 110, 111, 504 and 506 read with 34 of the Indian Penal Code.

3 It is averred in the report that the applicant is the Manager

of Raosaheb Patwardhan Nagari Sahakari Pathsanstha Limited, situated at Ahmednagar of which Lalita Pawar was the chairman. It is averred in the report that many customers were lured to deposit their amount in the said Pathsanstha and their amount was not paid back to them. Audit of the said Sanstha was carried and it was found that huge amount of the depositors worth Rs.65,31,80,253/- was misappropriated. Therefore, the report was lodged.

4 The learned counsel for applicant submitted that the director and other accused are released on bail. He, therefore, prayed for granting bail to the applicant on the basis of principle of parity. He further submitted that the applicant was not the Manager. The applicant was the recovery officer. The immovable properties of this applicant and other co-accused are seized as per the order of the learned Special Court. The applicant has roots in the society. He will not flee away from the trial. The trial will take long period. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious crime. Huge amount of the depositors of Rs.65,31,80,253/- is duped by this applicant and other co-accused. Considering serious nature of the crime, it is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, report and other documentary evidence. The co-accused is released on bail by this Court vide order dated 6th October, 2022 passed in Bail Application No.1580 of 2022. In the case of *Maviya Abdul Haq Bhoraniya Vs. State of Maharashtra*, reported in, *DLD (Cri.) 2022 – 1776*, this Court held that when applicant assigned a similar role is charge-sheeted, the co-accused can be released on bail on the basis of principle of parity. Further, the applicant has roots in the society. He will not flee away from the trial. The trial will take long period. The applicant's presence can be secured for the trial. Further, the applicant's role was recovery officer. Considering all these reasons and similar role of this applicant alongwith other accused, on the basis of principle of parity, the application deserves to be allowed on the following conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.6293 of 2020, registered with Tophkhana Police Station, District Ahmednagar, for the offences punishable under Sections 3, 4, 5, 6, 7, 8 and 13 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act and under Sections 403, 406, 408, 409, 417, 418, 419, 420, 421, 422, 423, 424, 426, 427, 465, 466, 467, 468, 471, 474, 477, 477-A, 120-B, 107, 108, 109, 110, 111,

504 and 506 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.1,00,000/- with surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses, in any manner.
- b) The applicant shall not tamper with the prosecution evidence, in any manner.

III. If breach of any of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to cancel the bail of this applicant without reference to this Court.

[SANJAY A. DESHMUKH, J.]

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