



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

916 BAIL APPLICATION NO. 621 OF 2024

DHANANJAY DNYANOBA SAWANT
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Gaurav L. Deshpande.
APP for Respondent/State : Mr. Satish A. Gaikwad.

...

AND

BAIL APPLICATION NO. 576 OF 2024

SOMINATH APPASAHEB NARWADE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Abhaysinh K. Bhosle.
APP for Respondent/State : Mr. Satish A. Gaikwad.

...

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

DATE : 24th April, 2024.

P.C.:

1 Heard.

2 Both these applications are filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.493 of 2023, registered with Mukundwadi Police Station, District Aurangabad, for the offences punishable under Sections 406, 409, 420, 467, 468, 471 and 120-B read with 34 of the Indian Penal Code and under Sections 3 and 4 of the M.P.I.D. Act.

3 It is averred in the report that the applicants and other accused committed fraud and misappropriated total amount of rupees 29 crores of Dyanoba Urban Credit Co-operative Society, Aurangabad. It is alleged that applicant – Dhananjay is shown as Secretary of the said co-operative credit society and he misappropriated that amount. As far as applicant – Sominath is concerned, his name is not mentioned in the report.

4 The learned counsel for applicant – Dhananjay submitted that this applicant is the driver and clerk of an advocate. He is falsely implicated in the crime and shown as Secretary of the said co-operative credit society. He has roots in the society. He will not flee away from the trial. The investigation is over. Though there are statements of witnesses and evidence, there is *prima-facie* no evidence to show that this applicant fabricated false document and received part of the duped amount. The main accused Pankaj Shivaji Chandanshiv is fled abroad and now he is at Thailand. The charge-sheet is filed. The custody of this applicant is not necessary. It is lastly prayed to allow the application.

5 The learned counsel for applicant – Sominath submitted that this applicant is shown as one of the director. He has not committed any overt act. He is falsely implicated in the crime. His

name is not mentioned in the report. Though he is arrested in another crime, he is released on bail. He has roots in the society. The trial will take a long period. It is lastly prayed to allow the application.

6 The learned APP for the State strongly opposed both these applications and pointed out that these applicants are involved in the serious crime. Alongwith co-accused, they have duped more than rupees 29 crores of the said co-operative credit society. The statements of witnesses show that these applicants are involved in the crime. It is lastly prayed to reject both these applications.

7 Perused the charge-sheet, particularly, the report and the statements of witnesses. The statements of witnesses show that these applicants are involved, but their specific role as in what way they fabricated false documents and how they got the fruits of poisonous tree is not spelled out from the charge-sheet. The applicants have roots in the society. They will not flee away from the trial. The trial will take a long period. Considering all these aspects, both these applicants deserve to be released on bail on the principle that bail is rule and jail is exception on certain conditions. Hence, the following order:-

ORDER

I. Both these applications are allowed.

II. Both these applicants in connection with Crime No.493 of 2023, registered with Mukundwadi Police Station, District Aurangabad, for the offences punishable under Sections 406, 409, 420, 467, 468, 471 and 120-B read with 34 of the Indian Penal Code and under Sections 3 and 4 of the M.P.I.D. Act, be released on bail on furnishing personal bond of Rs.50,000/- each with surety of the like amount by each of them on following conditions:-

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

8 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 these applicants without reference to this Court.

9 It is made clear that the above observations are *prima-facie* in nature for the purpose of deciding the present applications only. The Trial Court shall not get influenced by the same during trial.

[SANJAY A. DESHMUKH, J.]