



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

996 BAIL APPLICATION NO. 616 OF 2024

Sandip Devidas Pawar
VERSUS
The State of Maharashtra

Advocate for Applicant : Mr. S. S. Tope
APP for Respondents: Mr. R.D. Raut

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 16th APRIL, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 454 of 2023 registered with Cidco police station, District Aurangabad for the offences punishable under Sections 406, 409, 420, 465, 467, 468, 471, 120-B, 217 r/w 34 of the I.P.C. and U/Sec. 3 & 4 of the M.P.I.D. Act and U/Sec. 21 & 23 of the Arbitrary Deposit Scheme Prevention Act, 2019. His prayer for bail has been rejected by the Learned Additional Sessions Judge (Court No-6), Aurangabad, District-Aurangabad, vide order dated 28.03.2024 passed below Exh. 13 in Special Case No. 386 of 2023.

2. It is averred in the report that the applicant and other accused persons duped Adarsha Co-operative credit society for an amount of Rs.202.00 Crores. Therefore, in view of the report, the applicant was arrested on 10.8.2023.

3. Learned advocate for the applicant submitted that the applicant is manager of petrol pump at Phulambri, District Aurangabad. He is not concerned with the crime and he is falsely implicated in the crime. Only he is relative of the accused Sunil Mankape, who executed General Power of Attorney in his favour for executing the sale deeds of his land, the applicant is falsely implicated in the crime. He has roots in the society, he will not flee away from the trial, the trial will take a long time. He further submitted that the operation of the mother of this applicant is scheduled on 18.04.2024. He pointed out the certificate issued by Dr. Yogesh Belapurkar, which is taken on record and marked "X-1" for identification. He submitted that prima facie, there is absolutely no evidence against the applicant and therefore, he be released on bail.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in serious crime. He was the Joint Secretary of Adarsha Jankalyan Credit Society and Sai Sons and Company. He submitted that the applicant has executed sale deeds by holding the General Power of Attorney of Sunil Mankape. He is connected with the crime. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the report and the statements of witnesses. It is submitted that the name of the

applicant is not mentioned either in the report or the statements of witnesses. Except one mutation entry by which he sold the properties on behalf of Sunil Mankape, prima facie, there is no other evidence to establish the involvement of this applicant. Considering the fact that the applicant has roots in the society, he has no criminal antecedents, the application deserves to be allowed on the principle that the bail is rule and jail is exception. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 454 of 2023 registered with Cidco police station, District Aurangabad for the offences punishable under Sections 406, 409, 420, 465, 467, 468, 471, 120-B, 217 r/w 34 of the I.P.C. and U/Sec. 3 & 4 of the M.P.I.D. Act and U/Sec. 21 & 23 of the Arbitrary Deposit Scheme Prevention Act, 2019 be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicant shall submit an undertaking before the trial court upto 22.4.2024 that he will not sell any property in view of the G.P.A. executed in his favour by Sunil Mankape till the conclusion of trial.

- c) If the undertaking, as above, is not filed till 22.04.2024, the trial court may cancel the bail of this applicant.
- d) If any breach of the above conditions is noticed by the trial court or the prosecution, the trial court may cancel the bail of this applicant without reference to this Court.

6. Authenticated copy of this order be provided to the requesting party.

7. It is made clear that the observations made in this order are prima facie in nature and the trial court shall not get influenced while concluding the trial.

(SANJAY A. DESHMUKH, J.)

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