



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 975 OF 2024

Ashok Govind Lawande

.....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....
Mr. K.R. Doke, Advocate for Applicant

Mr. S.B. Jadhav, APP for State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd JULY, 2024

ORDER :

1. This application is filed under section 439 of the Code of Criminal Procedure seeking regular bail in Crime No.218 of 2023 registered with Washi Police Station, District-Dharashiv for offences punishable under sections 406, 409, 420, 120-B of the Indian Penal Code and sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act.

2. FIR is lodged by Anurath Bapurao Mahakle on 18.07.2023 alleging that he had invested Rs.9,00,000/- in fixed deposit in Jijau Maa Saheb Multi-State Co-operative Credit Society, Ltd. Beed, Branch-Ieet (for short, 'said Society'). The

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concerned bank and its employees had shown inability to refund the amount to informant, when he demanded the amount of fixed deposit. He alleged that the Chairman of said society and her relatives by conspiracy misappropriated the amount invested in the above named society and used it for their personal gain. They are trying to dispose the properties created through misappropriated amount and planning to fly. He alleged that Chairman and her relatives misappropriated an amount of near about 20 Crore of the peoples, who invested the amount in the said society.

3. Heard learned advocate for applicant and learned APP for respondent-State. Perused the charge-sheet.

4. Applicant was working as a Manager at Ieet Branch of the said society. In the FIR, main allegations are levelled against Chairman and her relatives that they have misappropriated the amount of depositors. Charge-sheet in the present matter is filed on 26.10.2023 against applicant under section 299 of the Code of Criminal Procedure. Thereafter, applicant was arrested on 15.05.2024 and was remanded to Police custody till 17.05.2024 and thereafter he is in Magisterial custody. *Prima facie*, it appears from record that no supplementary charge-sheet after

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arrest of applicant is filed.

5. Learned APP vehemently opposed the application. As per instructions received from investigating officer he submits that applicant does not possess any immovable property in his name. Investigating Officer has forwarded correspondence to the Inspector General of Registration and Controller of Stamps, Pune (Maharashtra State) and Sub-Registrars of Beed, Bhoom and Solapur, to ascertain whether any properties are standing in the name of applicant or his family members, response of the authorities to said correspondence is awaited. Therefore, learned APP submits that applicant may not be released on bail.

6. Taking into consideration the fact that except one all other accused are either released on regular bail or anticipatory bail, further pre-trial custodial detention of applicant is not necessary. No useful purpose would be served by keeping the applicant behind the bars as the trial is not likely to commence and conclude in near future. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) Applicant- Ashok Govind Lawande be released on bail in Crime No.218 of 2023 registered with Washi Police Station, District-Dharashiv for offences punishable

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under sections 406, 409, 420, 120-B of the Indian Penal Code and sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act, on executing Personal Bond of Rs. 50,000/- with one or more sureties in the like amount.

- (iii) The applicant shall furnish his undertaking and his family members undertaking (those who are major) with the Investigating Officer that he/they shall not sell properties standing in their names, if any, until further orders.
- (iv) Copies of undertaking furnished by applicant and family members be forwarded to Inspector General of Registration and Controller of Stamps (Maharashtra State), Pune and Sub-Registrars of Beed, Bhoom and Solapur.
- (v) The investigating Officer shall complete the process of attachment of the properties of applicant or his family members, if any, by following prescribed procedure after receipt of the information from Inspector General of Registration and Controller of Stamps (Maharashtra State), Pune and Sub-Registrars of Beed, Bhoom and Solapur.
- (vi) Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI, J.]