

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1039 OF 2024

Banwari Lal Kushwah

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Bachate Pralhad D. & Mr. Vijay Sayani

APP for Respondent/State : Mr. G.O. Wattamvar

WITH

BAIL APPLICATION NO. 263 OF 2024 WITH
BAIL APPLICATION NO. 1040 OF 2024 WITH
BAIL APPLICATION NO. 1042 OF 2024 WITH
BAIL APPLICATION NO. 1044 OF 2024 WITH
BAIL APPLICATION NO. 1073 OF 2024

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CORAM : S.G. MEHARE, J.

DATED : SEPTEMBER 19, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.876 of 2018 registered with Ramnagar Police Station, District Wardha for the offences punishable under Sections 406, 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, Section 3 of the MPID Act and Sections 21, 22, 23, 24 and 25 of the Banning of Unregulated Deposit Schemes Act, Crime No.120 of 2018 registered with Kadim Jalna Police Station, District Jalna for the offences punishable under

Sections 406, 420, 465, 467, 468, 471, 107, 109, 114, 120-B r/w 34 of the Indian Penal Code and Sections 3 and 4 of the MPID Act, Crime No.132 of 2018 registered with Purna Police Station, District Parbhani for the offences punishable under Sections 406, 420, 465, 467, 468, 471, 120-B of the Indian Penal Code and Sections 3 and 4 of the MPID Act, Crime No.0009 of 2018 registered with Mondha Police Station, District Parbhani for the offences punishable under Sections 406, 420 r/w 34 of the Indian Penal Code, Crime No.191 of 2016 registered with Bori Police Station, District Parbhani for the offences punishable under Sections 420 of the Indian Penal Code and Sections 3 and 4 of the MPID Act, Crime No.10 of 2018 registered with Vedant Nagar Police Station, District Aurangabad for the offences punishable under Sections 406, 420, 465, 467, 468, 471, 107, 109, 114 120-B-r/w 34 of the Indian Penal Code, Sections 3 and 4 of the MPID Act and Sections 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

3. The applicant seeks bail in different crimes registered against him with different police stations in the State of Maharashtra. However, all the crimes are brought together for trial at Aurangabad Sessions Court.

4. The applicant has a case that he is languishing in jail since 2018 without any material progress in the trial. The investigation has been completed. The assets of the institution worth

Rs.200 Crores against the payment of Rs.80 Crores have been seized. So, the interest of the depositors have already been protected. Since 2018, no charge was framed. Yesterday, the counsel for the applicant requested the Court to frame the charge; hence, the charge has been framed. There are more than 400 witnesses to be examined in this case. So, it would take a huge time. The applicant has roots in the State of Rajasthan. He is Ex-MLA. So, he would not disappear. He is ready to co-operate with the investigation. His long incarceration is a good ground for bail.

5. Learned APP has strongly opposed the application. He has expressed an apprehension of the abscondence of the applicant. He hails from another State. He is a convict of the offence under Section 302 of the Indian Penal Code. It would not be safe in the interest of the public to release him on bail.

6. Perused the charge sheets. It is not in dispute that the applicant has connection with the financial institutions run by him and others. A huge property of around Rs.200 Crores against the payment of Rs.80 Crores to the depositors have been seized. So, at this juncture it may be stated that the interest of the depositors have been protected. The MPID Act provides for procedure for auction of the property for proportionate distribution of money to the depositors. Since 2018, there was literally no progress in the trial. Learned counsel for the applicant requested the Trial Court yesterday,

so the charges have been framed. If there are witnesses more than 400, it would be difficult to determine the time to conclude the trial. The person resides in another State in India is no ground to refuse the bail. However, to protect the apprehension, certain stringent conditions may be imposed. Hence, the following order :

ORDER

- (i) All Bail Applications are allowed.
- (ii) Applicant, Banwari Lal Kushwah in all the above bail applications, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in all the above crimes, on the conditions that;
 - (a) The applicant should not tamper with the prosecution witnesses and should attend the trial on each and every effective date.
 - (b) The applicant should not protract the trial.
 - (c) The applicant should not abscond.
 - (d) The applicant should furnish his address proof as well as cell phone number to the Trial Court with an undertaking that he would not change it till the trial is concluded.
 - (e) The applicant should keep informed the PSO Vedant Nagar Police Station, Aurangabad on telephone on every first

(5)

day of the month between 10.00 am to 01.00 pm, till the trial is concluded.

(S.G. MEHARE, J.)