IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1106 OF 2024

SUNANDA W/O ANIL PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Advocate for Applicant : Mr. Satej S. Jadhav along with
Mr. Kamlakar J. Suryawanshi
APP for Respondents : Mr. S. P. Sonpawale
...

CORAM : S. G. MEHARE, J.
DATE : 11-10-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. The applicant seeks bail in C.R.No.261 of 2023 registered with Vedant Nagar Police Station, Chhatrapati Sambhajinagar, for the offences punishable under Sections 406, 409, 420, 467, 468, 471, 120B read with Section 34 of the Indian Penal Code.

3. The prosecution case in brief was that the family of the applicant by misusing the power as Chairman and and the Director of the financial institution, cheated and defrauded the depositors and made money by forging loan documents as well as purchasing the huge property. The applicant was the Chairman. It was argued for her that she was a Chairman and Director till 2020.

Thereafter, she has no concern with any of the society or the financial institution run by her family. However, she being a member of the family has been arraigned as an accused. She is languishing in jail for sufficient time. She was not the beneficiary of a single penny from the defaulted amount. Obviously, she being a daughter-in-law had to act upon the directions of her father-in-law. Her bank accounts produced by the prosecution does not show that she was benefited from the alleged fraud. She was the insurance agent. She was depositing the returns in her account whenever the recurring deposit was matured, she transferred it to her bank account. Her husband also is the co-accused. Naturally, her husband was transferring amount to her account for family expenses. The prosecution had applied to the Sessions Court to add the provision under the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (for short, "M.P.I.D. Act"), however, it is yet not accepted. In the circumstances, she may be granted bail.

4. The learned A.P.P. has strongly opposed the application. He referred to her bank saving account and vehemently argued that she being a house wife had a huge money transaction Rs.41,98,501.12 Ps. were her account. However, the learned counsel for the applicant pointed that this amount in the statement was from year 2001. Considering the entries for last two to three years. Such transactions of the above amount were

possible.

5. The learned A.P.P. submits that she may be arraigned as an accused under the M.P.I.D. Act. The entire family was involved in the fraud and forging the documents. Therefore, she cannot absolve from the crime. The offence is serious. Therefore, she may not be granted bail.

6. The sole question before the Court, whether the applicant was the beneficiary of the defrauded amount to entangled her in the crime.

7. Admittedly, since 2020, she has no concerned with the institution/society run by her family members. The bank account placed on record does not show the huge amount was transferred to her account. Naturally, her husband was bound to deposit to her account for the expenses. She has correctly explained about entry of Rs.1,90,000/-. The over all evidence of the case on record are not clinching to *prima facie* show that she was beneficiary of the fraudulent amount. The evidence against her is balancing to that effect. The offence is related to the accounts and documents. In the circumstances, the Court is of the view that she deserve bail. Hence, the order:-

ORDER

i) The application is allowed.

ii) Applicant – Sunanda w/o. Anil Patil be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, for the above crime for the aforesaid offences, on the conditions that,

(a) She should not tamper with the prosecution witnesses.

(b) She should attend the trial for each and every effective date of trial.

(S. G. MEHARE)
JUDGE

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