



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1201 OF 2024

VANITA W/O SUNIL MANKAPE PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sambhaji S. Tope
APP for Respondent : Mr. S. P. Sonpawale

...
WITH
CRIMINAL APPLICATION NO. 3480 OF 2024
IN BA/1201/2024

MABUD AHAMAD MAHMOOD AHMED KHAN
VERSUS
VANITA W/O SUNIL MANKAPE PATIL AND ANOTHER

...
Advocate for Depositor/complainant : Mr. P. D. Digraskar holding
for Mr. Mahesh C. Swami

...
CORAM : S. G. MEHARE, J.

DATE : 26-08-2024

PER COURT :-

1. Heard the learned counsel for the applicant/accused, the learned A.P.P. for the respondent/State and the learned counsel for the depositor.

2. The applicant seeks bail in C.R.No.30 of 2024 registered with M.I.D.C., CIDCO Police Station, Chatrapati Sambhajinagar, for the offences punishable under Sections 406, 408, 409, 420, 465, 467, 468, 471, 120B, 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interests of Depositors (Financial

Institutions) Act, 1999 and Sections 21 and 23 of the Bailing of Unregulated Deposit Scheme Ordinance, 2019.

3. The learned counsel for the applicant submits that on identical allegations, the police are registering the crime one after another. On the identical allegations, the applicant was arrested in another crime and she has been languishing in jail for last one year. However, in this crime, she has been arrested on 19.03.2024. The offence solely depends on the Bank accounts and papers. Already an Administrator has been appointed. He took over the charge and the managing the affairs of the Bank and other co-operative credit society. The police has already seized the property belonging to the applicant and her family. At this juncture, nothing has to be recovered from her. The chargesheet is also filed. Therefore, she may be granted bail.

4. The learned A.P.P. and the learned counsel for the depositor have strongly opposed the application. They have submitted that the poor people have been duped. The present depositor has deposited entire amount received from retirement benefits. However, due to fraud played by the applicant, he came on the street. Nothing remained with him for his survival and his future plans have been collapsed. Therefore, the applicant may be directed to refund his deposits. A condition to deposit entire amount may kindly be imposed against the applicant. If the applicant is released on bail, she would transfer her hidden

property, so the depositor will get nothing. Therefore, necessary directions be issued against her restraining her from disposing of her property without leave of the Court.

5. Perused the application.

6. It is not disputed that on identical allegations another crimes have been registered against her and she has been behind bar for over a year. In another crime, she has been granted bail. After her arrest, whatsoever property came forward has been seized. It is a matter of record. The administrator has already taken over the charge and looking after the affairs of the Bank. The M.P.I.D. Act is for protecting the depositor's and the property seized may be sold and the depositors are paid proportionately, by due procedure of law. Therefore, this court cannot direct to pay the entire amount of the depositor.

7. Recently, the Hon'ble Supreme Court has taken a view that Criminal Court should not ensure the recovery of amount in the crime like this. The Court even cannot put the condition to deposit the amount of alleged fraud while granting bail. Therefore, prayer of the learned counsel for the depositor could not be accepted. However, apprehension of transferring the hidden immovable property of the applicant may be guarded by imposing certain conditions. Hence, the following order;

ORDER

i) The bail application is allowed.

- ii) Applicant – Vanita w/o. Sunil Mankape Patil be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
- (a) She should not leave the place of her residence without the leave of the Court till the conclusion of the trial;
 - (b) She should furnish her residential address and cell phone numbers to the trial Court with an undertaking that they would not change it till the conclusion of the trial.
 - (c) She should not dispose of her any immovable property or valuable movable property which is not seized by the Investigating Officer without leave of the Court.
 - (d) She should deposit her passport with the trial Court, if any.
- iii) Criminal Application No.3480 of 2024 stands allowed.

(S. G. MEHARE)
JUDGE

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