

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1280 OF 2024

Dnyandeo Kundlik Sarode

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Shelke Devidas Rangnath

APP for Respondent/State : Mr. A.S. Shinde

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CORAM : S.G. MEHARE, J.

DATED : SEPTEMBER 05, 2024

**PER COURT:-**

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.92 of 2018 registered with Vazirabad Police Station, District Nanded for the offences punishable under Sections 420, 467, 468, 471, 472, 120(B) r/w 34 of the Indian Penal Code.
3. The applicant was a Vice Chairman of the Tirupati Industrial Co-operative Society Ltd, Nanded. That was the society for the financial empowerment of the scheduled tribes. Under a scheme, the government had issued a huge amount to raise the project. However, some false documents have been created in the name of the Commissioner of Social Welfare that he had approved the withdrawal. In fact, the amount the government had released was not invested for

the project for which it was allotted. The applicant was the Vice Chairman of that society. However, after some days, it came to the light that a huge amount has been misappropriated. The amount was transmitted to other projects which were not approved by the government.

4. The applicant has a case that he had resigned from the post of the Vice Chairman. Hence, he does not know anything. However, the record reveals that even after the so-called resignation, there were withdrawals under his signatures. On the last hearing, an opportunity was granted to the applicant to satisfy the Court where he had spent the amount. However, he could not produce any document or make a concrete statement where he spent Rs.10 lac, who is an auto-rickshaw driver. Now, learned counsel for the applicant states that he has his house in one village in Nanded Taluka. To show his bonafide, he would sell it within two months and deposit the amount with the government or the concerned officer and conditional bail may be granted.

5. Learned APP has opposed the application. He would submit that it was a huge scam of the government money. The government is working hard to bring up the financial development of the scheduled castes and schedule tribes. However, instead of making their social and economical developments, few persons who claim to be the leader of the community are siphoning money. They did not

only cheat the government but also their community people. The government had released a huge amount but the Managing Committee misappropriated that amount. Not only this, they have forged the documents under the false signatures of the Commissioner of Social Welfare, Pune. The offence is serious. Hence, bail may not be granted.

6. Considering the submissions of both counsels, it appears that the applicant had withdrawn Rs.10 lac after his resignation. He had no reason to withdraw the amount. So, his defence appears not genuine. He showed the bonafide to deposit the amount with the government or the concerned officer on selling his house within two months. The Criminal Court is not supposed to ensure the recovery of defrauded amount. However, if he accepts offers to deposit money, he may not be refused. Other factors are also to be considered. In the case at hand, the charge sheet has been filed and at this juncture, nothing is to be recovered from the applicant. Hence, no purpose would be served in keeping him behind bar. However, his offer to deposit the money of Rs.8 lac by selling his house within two months from today may be accepted. Hence, the following order :

### **ORDER**

- (i) Bail Application is allowed.
- (ii) Applicant, Dnyandeo Kundlik Sarode, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty

(4)

Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;

(a) The applicant should not tamper with the prosecution witnesses and should attend the trial on each and every date.

(b) The applicant should deposit Rs.8 lac within two months from today either by selling his house or making the arrangement of that amount. If the applicant fails, the Trial Court may pass appropriate orders in view of doctrine of estoppel.

**(S.G. MEHARE, J.)**