IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 BAIL APPLICATION NO. 1674 OF 2024

SUNIL AMBADAS MANKAPE PATIL
VERSUS
THE STATE OF MAHARASHTRA

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

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CORAM : S. G. MEHARE, J.
DATE : 10.10.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant seeks bail in Crime No.261 of 2023, registered with Vedantnagar Police Station, District Aurangabad, for the offences punishable under Sections 120-B, 406, 409, 420, 467, 468, 471 read with Section 34 of the IPC.

3. Prosecution case in brief that the applicant is the son of the Chairman of Adarsh Group. This group runs Mahila Co-operative Bank and Urban Co-operative Credit Society. The applicant was the Manager of Adarsh Mahila Nagari Sahakari Bank Ltd. The audit was done and it was transpired that the huge amount has been siphoned and used for the benefit of the

main accused, the father of the applicant and his family. Various illegalities were noted in the audit report. Therefore, the FIR was registered. The illegal loans were sanctioned deliberately. The family of Mankape Patil had also their firms running the business and they were making money from their business. In this case, it has been alleged that the Urban Co-operative Credit Society had sanctioned the loan to Sai Sons and Company of which this applicant is a partner. The said loan was huge and illegally sanctioned. It was used for the benefit of its partners.

4. Learned counsel for the applicant by his long and lengthy argument has tried to convince the Court that the applicant has no concern with the other Urban co-operative credit society. He was the Manager of the Adarsh Mahila Co-operative Bank. Therefore, the applicant has no concern with the alleged fraud. He has also referred to various papers and tried to point out the defects in the audit report as well as investigation. He also argued that since the charge sheet is bulky, the trial may take its time. Nothing is to be recovered and inquired from the applicant. The entire male members of the family are behind bar. Therefore, he may be granted bail.

5. Learned APP has argued that the applicant has a direct concern with the beneficiary company namely Sai Sons and Company to which huge loan was illegally sanctioned and that has been used for the benefit. *Prima facie* material is there. The applicant is the son of the main accused/Chairman of Adarsh Group. The predetermined fraud has been played with the depositors. A huge amount has been siphoned. The interest of the depositors has been highly affected. Many such transactions were done in which Mankape Patil's family was the beneficiary. The depositors money was used for the family business and family members. The entire family was indulged in the crime knowingly and deliberately. The fraud of around rupees Thirty Eight Crores has been played. He was also involved in forging the loan papers and getting that loan sanctioned from the Board of Directors. He would submit that it is a serious crime and day light cheating of the poor depositors. The applicant and his family were becoming reach by misusing such powers. It is a wrongful gain. Therefore, he does not deserve bail.

6. The facts as mentioned above are supported with the material placed on record in the charge sheet. There is a direct evidence against the applicant that he was the beneficiary of

the illegal loan sanctioned to the firm namely Sai Sons and company of which he is a partner. So, he could not claim that he being the Manager of the another Mahila Co-operative Bank, has no concern with such loan. His claim that since he was having no concern with the Urban Co-operative Society, he cannot be held responsible for this is unfounded. However, it cannot be brushed aside that he was the partner of the Sai Sons and Company to which the loan was sanctioned illegally. *Prima facie* there is a strong evidence against the applicant that he was the beneficiary of the unlawful gains. Considering the gravity of the offence and particularly, the way in which the family of the applicant was cheating the poor depositors, it would be inappropriate to grant him bail.

7. Hence, bail application stands dismissed.

(S. G. MEHARE, J.)

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