



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

920 BAIL APPLICATION NO.1679 OF 2024

SUNIL AMBADAS MANKAPE PATIL

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr.S.S.Tope
APP for Respondent-State : Mr.A.A.A.Khan

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CORAM : ARUN R. PEDNEKER, J.

DATE : 19.12.2024

P.C. :

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

2] The applicant is seeking bail as he is arrested on 22.11.2023 in connection with FIR No. 0644/2023, registered with CIDCO Police Station, Ch. Sambhajinagar, for the offences punishable under sections 406, 408, 409, 420, 467, 468, 471, 120-B and 34 of the IPC.

3] The investigation is set into motion in pursuance of the information given by the Certified Auditor, namely, Dattatraya Prabhakar Dhumal. It is alleged in the FIR that the applicant along with other have defrauded the Jaikisan Ginning and Pressing Society, Ch. Sambhajinagar of various amounts. Five [5] identical offences are

registered against the applicant and family members of the applicant. The applicant has granted bail in four offences. In the present offence, the charge sheet is filed against the applicant and the allegations against the applicant is noted at para nos. 4 and 5 of the said charge sheet, as under :

04. कॉलम नं. 10 मधिल आरोपी क्र. 1. अंबादास मानकापे
05. अनिल मानकापे 07. सुनिल मानकापे हे जयकिसान जिनिंग संस्थेचे अध्यक्ष व संचालक असुन, एकाच कुटुंबातील आहे. अध्यक्ष अंबादास मानकापे यांना जयकिसान संस्थेच्या बँक खात्याचे स्वाक्षरीचे अधिकार असल्यामुळे आरोपीने आपल्या पदाचा गैरवापर करुन, अपहार करण्याचे उद्देशाने जयकिसान जिनिंग अँड प्रेसिंगचे बँक खात्यावरुन कॅश, आरटीजीएस, धनादेशाद्वारे स्वतःचे नावे असलेल्या फर्मला व आपल्या बँक खात्यावर 16,37,29,114/- रक्कम घेवुन अपहार केलेला आहे.

05. कॉलम नंबर 10 मधिल आरोपी क्रमांक 2 अशोक नारायण काकडे 4. काकासाहेब लिंबाजी काकडे हे सन-2013 पासुन जयकिसान जिनिंग अँड प्रेसिंग संस्थेचे संचालक असुन, त्यांनी वेळोवेळी संस्थेच्या बोर्ड ऑफ डायरेक्टरच्या मिटींगसाठी प्रत्यक्ष हजर राहुन, मिटींग मधिल संस्थेच्या धोरणात्मक, व्यावसायीक व प्रशासकिय निर्णयास सहमती दर्शवुन मिटींगचे ठराव रजिस्टरवर स्वाक्षन्या करुन, संस्थेमधिल अपहारातील कटामध्ये संगणमत केले आहे.

4] The learned counsel for the applicant submits that the applicant is arrested on 22.11.2023 and since then he is in jail. The investigation is complete and the evidence is documentary in nature. The learned counsel further submits that in other four identical offences, the applicant

has granted bail by this Court. The learned counsel for the applicant points out that the Directors of the same institution i.e. Jaikisan Ginning and Pressing Society, Ch. Sambhajinagar arising out of the same crime, have been granted bail by this Court by order dated 30.08.2024 in Bail Application No.1009 of 2024. The learned counsel for the applicant submits that his role cannot be higher than that of the other Directors, who are granted bail and the entire allegations are against the Chairman of the society. Considering the said fact, the bail be granted in favour of the present applicant.

5] *Per contra*, the learned APP submits that the role of the applicant is higher than other Directors and the allegations are against the applicant and family members of the applicant. The applicant and family members of the applicant have directly benefited from the unlawful transactions.

6] This Court, by order dated 16th December, 2024 in Bail Application No.1672 of 2024, granted bail in favour of the applicant in another similar connected offence and in the said order, this Court has observed at para no.13 as under :

13. The Supreme Court in the case of Sangram Sadashiv Suryavanshi Vs. State of Maharashtra (Cri.A. No.4758/2024) has

observed that “bail is the rule and shall not be refused routinely”. So also in the case of Javed Gulam Nabi Shaikh Vs. State of Maharashtra and another (Criminal Appeal No. 2787/2024) dated 03/07/2024 has observed that the “prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious and there is no possibility of the trial been concluded in near future”.

7] Considering that the applicant is arrested on 22.11.2023 and since then he is in jail while the other Directors of the said Society are granted bail by order dated 30.08.2024 in Bail Application No.1009 of 2024. The role of the applicant cannot travel far beyond that of the other Directors and the allegations will have to be established in the trial. In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with FIR No. 0644/2023, registered with CIDCO Police Station, Ch. Sambhajinagar, for the offences punishable under sections 406, 408, 409, 420, 467, 468, 471, 120-B and 34 of the IPC, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC