



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

962 BAIL APPLICATION NO. 1865 OF 2024

DEVIDAS SAKHARAM ADHANE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Abhaysinh K. Bhosle

APP for Respondent/State: Ms. V. S. Choudhari

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CORAM : ARUN R. PEDNEKER, J.

DATE : 17th DECEMBER, 2024

PER COURT:

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

2] The applicant is seeking bail as he was arrested on 20.12.2023 in connection with Crime No.0649 of 2023, registered with Cidco Police Station, District Chh. Sambhajinagar, for the offences punishable under Sections 406, 408, 409, 420, 467, 468, 471, 120-B r/w. 34 of IPC.

3] The learned counsel for the applicant has taken me through pages 29 and 30 of the petition. He submits that, other persons i.e. the Directors including the Vice-Chairman has been released after issuance of notice under Section 41A. At the relevant time the applicant was in jail in connection with another case and that he is arrested in this particular offence and now he is in jail from 20.12.2023. The learned counsel submits that the applicant's role

cannot be higher than that of the other Directors so also in any event higher than the Vice-Chairman to whom the State has released after issuance of notice under Section 41A.

4] Per contra, the learned APP submits that there is one particular transaction in which the applicant has unlawfully sanctioned a loan and in pursuance of which the cooperative society has sustained loss of Rs.23,00,000/- towards the interest component. The learned counsel for the applicant submits that the loan was sanctioned by the Board and the proposer of the resolution accused Indrnil Solunke is also released by issuance of notice under section 41A.

5] Considering that the applicant is in jail from 20.12.2023 and that all the other Directors including Vice-Chairman are not arrested and released only on the basis of notice under Section 41A. The role of the applicant cannot be taken up far beyond the other Directors or beyond the Vice-Chairman. Considering the totality of the circumstances, that the applicant is in jail for one year and all other Directors are not even arrested, the applicant is granted regular bail.

6] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.0649 of 2023, registered with Cidco Police Station, District Chh. Sambhajinagar, for the offences punishable under Sections 406, 408, 409, 420, 467, 468, 471, 120-B r/w. 34 of IPC, on furnishing PR bond of Rs.15,000/- 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.

7] 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.

8] 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, J.]