



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 BAIL APPLICATION NO. 2142 OF 2023

Vishal Raosaheb Deshmukh
VERSUS
The State Of Maharashtra

...
Advocate for Applicant : Mr. H.D. Deshmukh and Mr. V.H. Dighe
APP for Respondents: Mrs. Pratibha J. Bharad

...

WITH
BAIL APPLICATION NO. 1907 OF 2023

1) Ravindra Vishwas Patil
2) Pravin Shantaram Patil
VERSUS
The State of Maharashtra

...
Advocate for Applicant : Mr. Thoke Dhananjay B
APP for Respondents: Mrs. Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 6th MARCH, 2024.

PER COURT :-

1. These are the applications for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 0157 of 2023 registered with Mehunbare police station, District Jalgaon for the offences punishable under Sections 420, 408, 409, 463, 464, 465, 468, 470, 471, 477-A, 120-B, 201 r.w. 34 of the I.P.C. Their applications with similar prayer bearing criminal bail application Nos. 934 of 2023 and 788 of 2023 came to be rejected by the learned Additional Sessions Judge, Jalgaon vide orders dated 9.11.2023 and 10.10.2023, respectively.

2. One Laxman Devram Patil, Divisional Deputy Manager of Jalgaon District Central Co-operative Bank Limited averred in the report that the applicants and others have misappropriated an amount of Rs.8,14,300/- which was to be disbursed to the farmers under the scheme of heavy rains compensation and also subsidy allowance, as well as the crop loans etc. It is further averred in the report that from 1.7.2019 to 15.11.2022 one of the applicants Vishal Raosaheb Deshmukh was the manager in the Jalgaon district Central Co-operative Bank limited branch at Pilkhod, Tq. Chalisgaon, district Jalgaon, has misused his powers and in conspiracy with a Forest Officer, fabricated false documents i.e. withdrawal slips by making forged signatures, withdrawn the amount and later on caused disappearance of evidence of withdrawal slips. It is also averred that he kept that amount in the false account. It is averred that the applicants and others have misappropriated total amount of Rs.1,51,75,482/-. It is also alleged that one of the Inspector of the said Bank viz. Vasant Pundlik Patil also did not inspect the record and deliberately neglected to point out the said mischief done by the applicants.

3. Learned advocate for the applicants submitted that the applicants have no criminal antecedents. They are falsely implicated in the crime. The statements of the witnesses are vague and they have not specifically stated as to how the applicants have

misappropriated that amount with specific allegations and specific amount. Some of the witnesses have stated that they have not done any work in the Forest department and they have not withdrawn the amount as alleged by the informant. Learned advocates for the applicants submitted that there is no such prima facie evidence of misappropriation or embezzlement of amount. It is not alleged that the applicants have used the said amount for their benefits. The applicants have roots in the society. The applicants will not flee away from trial. The custodial interrogation of the applicants is not required further. Learned advocate for the applicants relied upon the following authorities:-

i) *Bail application No.3810 of 2021 decided by this Court on 11.8.2022 in the case of **Vipul Chitalia s/o Chunilal Chitalia vs. CBI and another**, in which this Court held that in the light of authoritative pronouncements, I am of the view that the accusations against the applicant being crystallized in the charge sheet, he deserve his release on bail and merely because he is to face a trial in an economic offence, he cannot be robed of his liberty. His long incarceration for more than 4 years also deserve to set him at liberty, pending the trial for the accusations faced by him.*

ii) *In the case of **Peeyush Kumar Jain vs. Union of India**, in criminal Misc. Bail application No.21223 of 2022 decided on 1.9.2022, the Allahabad High Court has held that A prayer for bail is not to be denied merely because of the sentiments of the community are against the accused. The primary purposes of bail in a criminal case are to be relieved the accused of imprisonment, to relieve the State of the*

burden of keeping him, pending the trial, and at the same time, to keep the accused constructively in the custody of the court, whether before or after conviction, to assure that he will submit to the jurisdiction of the court and be in attendance thereon whenever his presence is required.

The learned advocate for the applicants lastly prayed for allowing the applications.

4. Learned A.P.P. for the respondent-State has strongly opposed the applications and submitted that the applicants are involved in serious crime of misappropriation of Crores of rupees of farmers and labourers. The applicants have no any such exceptions against their criminal mischief. Though there are statements of some witnesses which show that the applicants are not involved in the said crime, however, the statements of some of the witnesses show that the applicants have misappropriated that much amount. The statement of account of Jalgaon District Central Co-operative Bank Limited, Branch Pilkhod is also pointed out which shows that some amount is credited by NEFT mode. Considering all these aspects, it is lastly prayed to reject the applications.

5. Perused the charge sheet, particularly the report and the statements of the witnesses and all documents, which are placed on record. The statements of some witnesses show that they are not knowing anything about that amount. Some of the witnesses have

stated that they have not worked there in the Forest department. Considering entire charge sheet and the controversy pointed out in the charge sheet without adverting to the merits of the case, the applications of these applicants deserve to be allowed as the applicants have roots in the society, they have no criminal antecedents. Prima facie, there is doubtful material against these applicants. The trial will take long period. Considering all these aspects, particularly, the ratio laid down in the above authorities and the principle that "bail is rule and jail is exception". The applications deserve to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Applications are allowed.
- II. The applicants in connection with crime No. 0157 of 2023 registered with Mehunbare police station, District Jalgaon for the offences punishable under Sections 420, 408, 409, 463, 464, 465, 468, 470, 471, 477-A, 120-B, 201 r.w. 34 of the I.P.C. be released on bail on furnishing personal bond of Rs.1,00,000/- each with one surety each of the like amount on following conditions:-
 - a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicants shall not leave the Jalgaon district till the

decision of the trial. If the applicants want to leave Jalgaon district during pendency of trial, then prior permission of the trial court is necessary.

- c) If the breach of the above conditions is noticed then the trial court is at liberty to cancel the bail without reference to this Court.

6. It is made clear that the observations made in this order are prima facie in nature and the trial court shall not get influenced by the same while deciding the trial.

(SANJAY A. DESHMUKH, J.)

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