

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 895 OF 2023

Sanjay Digambar Inamdar

....Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Dilip Bodake for Applicant.

Ms. S. D. Shinde, APP for State.

Mr. Gengaje, PI attached to E.O.W. Satara present.

CORAM : BHARAT PDESHPANDE, J.

DATED : 25th NOVEMBER 2024

P.C. :

1. Heard learned counsel for the applicant.
2. This is an application for bail in regard to the offences punishable under Sections 406, 408, 409, 201, 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860 (the IPC) and Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999 (the MPID Act).
3. The applicant is Accused No. 2 in the charge-sheet. Learned counsel for the applicant submits that the charge-sheet is already filed somewhere in April 2022, however, till date charges are not framed. He submits that there are other accused persons who are already released on bail by the Trial Court and some by this Court.
4. Learned counsel for the applicant submit that further custody of the applicant would be punitive in nature, as no purpose served since the

trial is not going to conclude in near future. He submits that the applicant is having strong roots in the said area and there is no possibility of fleeing away from the justice. He would further submit that the applicant is ready and willing to abide by the terms and conditions, if imposed while granting bail.

5. Per contra, the learned APP appearing for the State would submit that the FIR was registered on 15.05.2019. The applicant was absconding till March, 2022. He would submit that offence was registered only after conducting three different audits of the society when such audit reports would reveal that there is misappropriation of funds of the society for more than Rs. 27 Crores. He submits that loans were disbursed to different persons including the son of the applicant without obtaining necessary documents, security and other mandatory procedures. He would submit that the applicant is an influential person who work as the Vice Chairman of the said society and there is every possibility that he may threaten the witnesses, if he is released on bail.

6. The fact remains that the Charge-sheet was filed on 13.04.2022. However, till date the charges are not framed. The Charge-sheet clearly shows that there are 24 accused persons whereas the list of documents as well witnesses would clearly go to show that there is least possibility of concluding the trial in near future. The applicant was arrested on 08.03.2022 thus for two and half years he is already in custody.

7. The Charge-sheet would show that the entire evidence is based

on documents which are already attached during investigation. Basically relying upon the audit reports, the challans, receipts, etc. which are already listed in the Charge-sheet as documentary proof.

8. The contention of the learned APP that the applicant being influential would be able to contact the witnesses and the possibility of threatening the witnesses cannot be ruled out, would be taken care of by imposing strict conditions.

9. It is settled that the bail is rule and jail is an exception. The matter in hand shows that the investigation is complete and the only objections with regard to the witnesses could be considered by imposing conditions so that the applicant would not be in a position to contact the witnesses who are basically from Vaduj, Taluka – Khatav, District - Satara.

10. As far as the presence of the applicant is concerned, conditions will impose including deposit of his passport and asking him to reside beyond village Vaduj.

11. Having said so, there is no further impediment for grant of bail since all other accused persons are already enlarged on bail. Charge is not framed yet and thus, much time would be consumed for conclusion of the trial. During this period, the applicant cannot be incarcerated.

12. The application stands allowed. The applicant shall be released on bail in connection with C. R. No. 138 of 2019 arising out of Case No. 18 of 2022 on furnishing personal bond of Rs. 1 Lakh with two solvent sureties

in the like amount to the satisfaction of the learned Trial Court on the following conditions :

O R D E R

- i) The applicant shall not enter in village Vaduj except for attending the court proceedings. Once the Court proceeding is over on the particular day, he shall withdraw from the said place;
- ii) The applicant shall submit that he will be residing at Panvel. The applicant shall furnish his address at Panvel to the Investigating Officer as well as to the concerned Court. The Investigating Officer shall verify the address of the applicant at Panvel and report it according to the Trial Court;
- iii) The applicant shall deposit his passport, if any, before the learned Trial Court within 8 days from the date of his release;
- iv) The applicant shall not in any manner try to contact the prosecution witnesses or to threaten them. If it is found that the applicant is trying to contact any witness, the prosecution is entitled to ask for cancellation of his bail;
- v) The applicant shall not leave the State of Maharashtra and India without prior permission of the learned Trial

Court;

vi) The applicant shall report to the Panvel City Police Station on Sunday after every 15 days between 10.00 a.m. to 11.00 a.m.

vii) The applicant shall attend the Trial Court proceedings personally without asking any exemption except in any urgent or emergency condition, which the Trial Court shall consider on case to case basis for grant of exemption.

13. The Bail Application stands disposed of.

(BHARAT P. DESHPANDE, J.)