2024:BHC-AS:8910

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.865 OF 2019

Prashant Naresh Patil	…	Applicant
versus		
The State of Maharashtra	…	Respondent

WITH
CRIMINAL APPLICATION NO.659 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO.865 OF 2019

Ashok Balwant Patil	…	Intervener
and		
Prashant Naresh Patil	…	Applicant
versus		
The State of Maharashtra	…	Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.867 OF 2019

Mohan Madhukar Patil and Ors.	…	Applicants
versus		
The State of Maharashtra	…	Respondent

WITH
CRIMINAL APPLICATION NO.661 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO.867 OF 2019

Ashok Balwant Patil	…	Intervener
and		
Mohan Madhukar Patil and Ors.	…	Applicants
versus		
The State of Maharashtra	…	Respondent

WITH
INTERIM APPLICATION NO.98 OF 2020
IN
ANTICIPATORY BAIL APPLICATION NO.867 OF 2019

Ashok Balwant Patil	…	Intervener
and		

Mohan Madhukar Patil and Ors. ... Applicants
versus
The State of Maharashtra ... Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.878 OF 2019

Kunal Shashikant Gudekar and Anr. ... Applicants
versus
The State of Maharashtra ... Respondent

WITH
CRIMINAL APPLICATION NO.662 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO.878 OF 2019

Ashok Balwant Patil ... Intervener
and
Kunal Shashikant Gudekar and Anr. ... Applicants
versus
The State of Maharashtra ... Respondent

Mr. Sandesh Patil with Ms. Divya Pawar for Applicant in ABA 865 of 2019.
Mr. Sudeep Pasbola i/by Mr. Rahul Arote, Mr. Sushant Patil, Mr. Ayush Pasbola, for Applicant in ABA 867 of 2019 and 878 of 2019.
Mrs. Geeta P. Mulekar, APP for the State.
Mr. Aabad Ponda, Sr. Advocate with Mr. Vinayak Patil i/by Mr. Tarun Sharma for Respondent No.2 – complainant in ABA 867 of 2019.
Mr. Vinayak Patil i/by Mr. Tarun Sharma for first informant in ABA 878 of 2019.
Mr. Chaitnya Pendse with Mr. Vinayak Patil i/by Mr. Tarun Sharma, for Applicant in APPln 659 and 661 of 2019.

CORAM : N.J.JAMADAR, J.
RESERVED ON : 7 FEBRUARY 2024
PRONOUNCED ON : 23 FEBRUARY 2024

P.C.

1. These applications are preferred for pre-arrest bail in connection with C.R.No.292 of 2018 registered with Navghar Police Station for the offences

punishable under Sections 120B, 198, 199, 200, 205, 420, 467, 468, 471, 472, 477A of the Indian Penal Code, 1860.

2. Abhinav Shetkari Shikshan Mandal is a public charitable trust registered under the provisions of the Maharashtra Public Trusts Act, 1950. Applicant Nos.1 to 4 in ABA No.867 of 2019, Sharad Ramchandra Patil – applicant No.5, who passed away during the pendency of the application, and Tulshidas D. Mhatre were elected as Managing Committee members of the said Trust for a period of three years with effect from 9 January 2011 to 9 January 2014. Mohan Madhukar Patil - Applicant No.1 in ABA No.867 of 2019 was elected as the Executive Chairman; Vasudev Bhaskar Patil – applicant No.2, as Treasurer, and Dilip Ramchandra Patil – Applicant No.4, as Secretary. The Trust runs a number of educational institutes.

3. The applicants claimed, they were in the management of the day to day affairs of the said Trust. Tulshidas D. Mhatre and other four persons, who claimed to be the trustees of the Trust, filed a complaint before the learned Judicial Magistrate, First Class, Thane, alleging, inter alia, that the applicant Nos.1 to 5 and Prashant Naresh Patil, an employee of the Trust, and the applicant in ABA No.865 of 2019, and Kunal Shashikant Gudekar and Numan Abdul Rehman, Partners of M/s. Ring India System (Ring India) and the applicants in ABA No.878 of 2019, in pursuance of a criminal conspiracy, siphoned off huge amount from the accounts of the Trust and, in the process, committed various offences punishable under Sections 120B, 198, 199,

200, 205, 420, 467, 468, 471, 472, 477A of the Indian Penal Code, 1860.

4. The learned JMFC by an order dated 21 July 2018 was persuaded to direct Navghar Police to register the offence and conduct investigation. Pursuant to the said direction, C.R.No.292 of 2018 came to be registered.

5. Several allegations have been made against the applicants. The gravamen of indictment is that during the tenure of the Managing Committee, there was large scale mis-management, mis-appropriation of the funds, fraud and forgery of the record and use of the forged documents as genuine for the purpose of cheating.

6. The principal allegations against the applicants are that :

(a) accused Nos.1 to 4 had mis-appropriated a sum of Rs.1,38,00,000/- which was the balance of the loan raised by the previous managing committee from Bank of Maharashtra without obtaining the prior permission of the Charity Commissioner, and did not inform the said fact to the Managing Committee of the Trust.

(b) There was mis-appropriation of huge amount of Rs.83,95,920/- on the pretext of purchasing computers, softwares, digital smart ID cards, AV rooms, CCTV cameras, etc. The contract was allegedly awarded to Ring India, of which Kunal Shashikant Gudekar (A8) and Numan Abdul Rehman (A9) were the partners, without inviting tender. Nor any contract was signed. Accused Nos.1 to 6 and 8 and 9 siphoned off the huge amount from the accounts of the Trust without supply of the material and rendering services. Several complaints were made by the teachers and parents regarding the non-supply of the computers, peripherals and services. Forged bills were allegedly raised to mis-appropriate the amount.

(c) Accused Nos.1 to 6 allegedly mis-appropriated donations received from the non-resident Indians to the tune of Rs.50 Lakhs and paid commission to the broker for raising the funds from the NRI.

(d) Accused Nos.1 to 6 were also involved in mis-appropriation of the grant provided by the State Government under Midday Meal Scheme to the students. Schools were required to cook and serve Midday Meal to the students by appointing contractors. Allegedly the students were not served Midday Meal. False and fabricated documents were prepared to show that a contract was given to Womens Group (Mahila Bachat Gat) and thereby huge funds were mis-appropriated.

(e) In addition, there are allegations of mis-management of the affairs of the Trust by acts of commission or omission in the nature of non-compliance of the statutory requirements in the matter of auditing the accounts of the Trust and submitting the audited reports, submissions of forged and fabricated documents in support of false change reports before the Assistant Charity Commissioner, opening of bank accounts in the name of the Trust with various Banks without permission of the Managing Committee and not holding the annual general meeting in accordance with the rules etc.

7. Upon registration of the FIR with the aforesaid allegations, apprehending arrest the applicants had approached the Court of Session for pre-arrest bail. Initially, it seems, interim relief was granted by the learned Additional Sessions Judge. By orders dated 5 April 2019, the learned Additional Sessions Judge, Thane, rejected the applications for pre-arrest bail and vacated the interim order dated 18 February 2018.

8. When the applications were listed before the Court on 10 April 2019, this Court had granted ad-interim relief. Affidavits in reply have been filed on behalf of the Respondent-State. Complainant Ashok Patil filed Intervention Applications and opposed the relief of pre-arrest bail. Pursuant to the directions of this Court, in the order dated 17 November 2022, an additional Affidavit in Reply came to be filed by the Investigating Officer. Applicant – Mohan Madhukar Patil (A1) has filed further affidavit to deal with the contentions in the additional affidavit.

9. In the backdrop of the aforesaid facts and pleadings, I have heard Mr. Sudip Pasbola, learned Counsel for the Applicants in ABA 867 and 878 of 2019, Mr. Sandesh Patil, learned Counsel for the Applicant in ABA 865 of 2019, Mrs. Geeta P. Mulekar, learned APP for the State, Mr. Aabad Ponda, learned Senior Advocate for the first informant in ABA 867 of 2019, Mr. Vinayak Patil, learned Counsel for the Intervener – First informant in ABA 878 of 2019 and Mr. Chaitanya Pendse, learned Counsel for the Intervener – first informant in ABA 865 of 2019. Learned Counsel

took the Court through the material on record.

10. Mr. Pasbola submitted that the complainants have resorted to prosecution to wreak vengeance as the applicant Nos.1 to 5 have been managing the affairs of the Trust. Unsatiated by the proceedings instituted before the authorities under the Public Trusts Act, 1950, complainant lodged a false complaint before the learned Magistrate making omnibus, wild and baseless allegations. Taking the Court through the documents, especially the Minutes of the meetings, Mr. Pasbola would urge that most of the assertions in the complaint are demonstrably false.

11. Mr. Pasbola submitted that in the additional affidavit filed on behalf of the State, pursuant to the directions by this Court, the custodial interrogation of the applicants is sought on two count of charges. First, the alleged fraud and mis-appropriation in awarding contract and making payment to Ring India in respect of providing computers and technological services to the schools run by the Trust. Second, the alleged mis-appropriation of the grant received from the State Government under Midday Meal Scheme. Mr. Pasbola made a strenuous effort to demonstrate that there is no prima facie material to substantiate the allegations on either counts. On the first count, Mr. Pasbola submitted that the minutes of the meeting dated 19 March 2015, especially the Resolution No.3, indicate that the decision to award a contract to Ring India @ Rs.102 per students for providing smart cards, computers, AV Room, Cameras, and software was taken unanimously. The

members of the complainant party, including Ashok Patil – Intervener, were party to the said resolution and also participated in the deliberations.

12. Mr. Pasbola submitted that the allegation that there was no agreement in writing is also patently false as the agreements dated 30 March 2015 (pages 316 to 324) evidence the award of the contract. It was further submitted that despite the Committee having resolved to award the contract at Rs.102 per student, the Management had negotiated with Ring India and paid only Rs.68 per student. Thus, the allegations are false and motivated.

13. On the second count of alleged fraud in the Midday Meal Scheme, Mr. Pasbola submitted that the allegation that there was no agreement between the Trust and Womens Group, which provided cooked food to the students under the Scheme, is belied by the copies of Agreements (pages 147 to 163) which evidence the contract executed between the Trust and Womens Group/service providers.

14. As regards the allegation of sale of unused rice by the applicants, Mr. Pasbola made a painstaking effort to draw home the point that though the sale of the rice provided under the Midday Meal Scheme was irregular, yet there was no criminality involved in the said act. The entire consideration received by the sale of the rice was credited to the account of the Trust. Not a single paisa has been mis-appropriated, urged Mr. Pasbola.

15. In any event, according to Mr. Pasbola, at this length of time, where the

entire record is in the custody of the investigating agency and the applicants have co-operated with the investigation, custodial interrogation of the applicants is not at all warranted. Therefore, the orders of interim bail deserve to be made absolute.

16. Mr. Sandesh Patil, learned Counsel for the Applicant in ABA 865 of 2019 submitted that the applicant was appointed as a Clerk with the Trust. He was entrusted with certain other responsibility by the office bearers of the Trust. There are no allegation of mis-appropriation qua the applicant – Prashant. The prosecution version, according to Mr. Patil, has changed over a period of time. All the documents have been seized. The statements of the applicants have been recorded. In the circumstances, the applicant who is an employee of the Trust, has been made a scapegoat for the reason that he had performed tasks entrusted to him by the office bearers.

17. Mrs. Mulekar, learned APP stoutly resisted the prayers for pre-arrest bail. Taking the Court through the material on record, including the statements of witnesses, Mrs. Mulekar would urge that a clear case of fraud and mis-appropriation of not only the Trust's fund but also public money has been made out. Inviting attention of the Court to the statement of the President of Madhumohan Janseva Mahila Bachat Gat, with whom the Trust had allegedly entered into an agreement to provide Midday Meal services, Mrs. Mulekar submitted that the applicant - Mohan Madhukar Patil had set up the said womens group and by obtaining the documents and

signed cheques from the office bearers, a sum of Rs.93,70,362/- was fraudulently transferred to the account of Abhinav Trust. The statements of the employees of the Trust were pressed into service to bolster up the submission that the documents were forged to show that the agreements were executed with the Midday Meal service providers. Attention of the Court was also invited to the statement of Sandesh Patil, Store Keeper, and Transporters, and Purchaser, who stated that the rice meant for Midday Meal was sold by the applicants.

18. Mrs. Mulekar made an endeavour to draw home the point that Ring India was also a front of Mohan Patil (A1) and the funds of the trust were systematically diverted by making a farce of providing computers and IT related services. The circumstances pressed into service by the prosecution, adverted to above, according to Mrs. Mulekar, clearly point to the complicity of the applicants.

19. Mr. Ponda, learned Senior Advocate urged that accused Nos.1 to 6 have deprived the students the Midday Meal to satiate their greed. Taking the court through the material on record, Mr. Ponda would urge, a clear case of systematic fraud and diversion of funds is made out. Mr. Ponda submitted that the grant of pre-arrest bail at the stage of investigation where serious allegations of fraud are supported by reliable material, as in the case at hand, jeopardises the interest of investigation and public justice. Since the allegations in the instant case, fall within the realm of the economic offences, the decisions of the Supreme Court in the cases of **P.**

Chidambaram V/s. Directorate of Enforcement[1] and **Pratibha Manchanda and Anr. V/s. State of Haryana and Anr.**[2] govern the situation at hand. Since the allegations of forgery are made, according to Mr. Ponda, the necessity of custodial interrogation cannot be overemphasised.

20. Mr. Vinayak Patil and Mr. Chaitanya Pendse supplemented the submissions of Mrs. Mulekar, learned APP and Mr. Ponda, learned Senior Advocate.

21. I have carefully considered the material on record and the submissions canvassed across the bar. The aforesaid submissions and material are required to be appreciated in the light of the fact that when a Public Charitable Trust is faction-ridden, allegations are made thick and fast. Often the teaching staff and employees take, or are forced to take, side of the rival factions. The allegations of forgery of the record of the trust, especially the minutes of the meetings and the documents tendered before the authorities under the Trust Act, 1950, are required to be appraised keeping the aforesaid fractious relationship between the parties. However, where there are clear allegations of fraud and misappropriation of funds, the persons charged cannot wriggle out of the situation by taking refuge under such rivalry over the management of the affairs of the trust.

22. As indicated above, there are two major set of allegations. First the allegations with regard the siphoning of the amount of grant released by the

1 (2019) 9 SCC 24
2 (2023) 8 SCC 181

government under the Midday Meal Scheme. The allegations are two fold. One, the accused Nos. 1 to 6 forged the documents to create a facade of legitimate contract executed with the womens group/the service providers who were to cook the food and make the same available for the students. Second, the accused Nos. 1 to 6 had sold the rice which was supplied by the government for the said purpose, in open market, and thereby defrauded the government.

23. The material which has emerged during the course of investigation, throws light on both the allegations. The documents relied upon by the accused Nos. 1 to 5 indicate that for the year 2011-2012 and onwords the contract to provide the cooked food was purportedly given to Madhumohan Janseva Mahila Bachat Gat. During the course of investigation, it transpired that the said womens' group was allegedly set up by accused No. 1- Mohan Patil. The statement of Anjana Rathod, the chairperson of the said womens' group reveals that the accused No. 1 was instrumental in forming the said group. The accused No. 1 had got the documents executed from the members of the said group with the assistance of Prashant Patil, accused No. 6. The chairperson further states that she had not executed any agreement with any of the schools run by the Trust to provide the said service nor the womens group had ever provided the said services. She further states that the accused No. 1- Mohan Patil had obtained signed blank cheques from her and during the period 2012 to 2018 a sum of Rs.93,70,362/- came to be transferred to the accounts of

Abhinav Trust.

24. The aforesaid version of Anjana Rathod finds prima facie support in the statements of the Principal/Head Mistress of four schools, who have stated before the police that the agreements to provide Midday Meal Scheme, purportedly given to Madhumohan Janseva Mahila Bachat Gat, were not executed by them and they were unaware of any such contract. They further stated, when they inquired about the same, Mohan Patil, accused No.1, prevailed upon them to concentrate on academic matters.

25. Prima facie, the witnesses, who have purportedly signed the agreements on behalf of the trust/school have disowned the same. In addition, the intrinsic evidence of those agreements also militates against their genuineness.

26. The second allegation revolving around the sale of the rice meant for Midday Meal for the students prima facie stands on an even better foundation. During the course of investigation, the store keeper of the school at Goddev, Bhayander (E), has stated that Mohan Patil, accused No. 1, had sold the rice to Ravi Jain and Sanjay Reshanwala at the rate of 12 per kg and the money was directed to be deposited with Prashant Patil, accused No. 6. Ravi Jain and Sanjay Reshanwala used to pick up the rice from the premises of the school once a month or two.

27. The security guards have also stated that on the directions of Mohan Patil, accused No. 1, tempos carrying the rice were allowed to enter and leave the

school premises. For their record, the security guards had made entries in a note book regarding the quantity of the rice removed from the school premises. The note book which was seized under the seizure panchanama dated 13th June, 2019 records that 2,51,237 kg (251 ton 237 kg) rice was removed from the school premises. Ravi Jain, the alleged purchaser, also names Mohan Patil, accused No. 1, as the person who sold the rice to him. There are statements of the drivers/transporters as well.

28. Mr. Pasbola, attempted to salvage the position by canvassing a submission that the sale of rice provided by the government under Midday Meal Scheme was definitely an illegality. However, the sale-proceeds were promptly credited to the account of the trust. Thus, there was no mis-appropriton of the funds, as alleged by the prosecution. Mr. Pasbola also attempted to wriggle out of the situation by canvassing a submission that the transfer of the amount of Rs.93,70,362/- from the account of Madhumohan Janseva Mahila Bachat Gat (out of the grant received from Government under mid-day meal scheme) was again for the benefit of the trust. There was no personal aggrandizement.

29. The submission is required to be noted to be repelled. The endeavour of Mr. Pasbola to make a virtue out of a vice, does not merit countenance. Firstly, non-utilisation of the rice for the purpose for which it was made available by the government was tainted with an element of criminality as the government was made to believe that the rice was used for the stated purpose. Secondly, the sale of the rice was

prima facie fraudulent. Thirdly, the transfer of the amount which was received by way of the grant from the account of Madhumohan Janseva Mahila Bachat Gat to the account of the Trust can only be said to be with a view to defraud both the government and the Trust.

30. As regards the allegations of the siphoning of the funds of the trust under the guise of providing computer and IT related services, during the course of investigation, it transpired that the during the period 2015-2020 a sum of Rs.1,95,13,326/- was credited to the account of Ring India of which the accused Nos. 8 and 9 were partners. For the work purportedly executed by Ring India the latter had raised bills to the tune of Rs.2,96,47,600/-.

31. The prosecution has relied upon certain circumstances to bolster up a case that Ring India was a front of accused No. 1 Mohan Patil. First, the alleged resolution awarding the contract to Ring India was stated to be forged. Second, Ring India was shown to have been registered on 15th May, 2015, whereas the alleged agreement to provide the services was executed on 13th March, 2015. Third, Ring India was shown to operate from Shop No. 103, Trinetra Apartment, Kharigaon, Bhayander (E), which was owned by one of the relatives of accused No. 1. In addition, the prosecution relies upon the statements of witnesses including the principal of a school to buttress the allegation that without providing computers, IT gadgets, software and services huge amounts were siphoned off. It is also alleged that the material supplied

and services rendered, were not worth the money credited to Ring India.

32. In the additional Affidavit in Reply, the Investigating Officer had adverted to the circumstances like the execution of the agreement between the Trust and Ring India on 30 March 2015, though the said firm was registered later i.e. on 5 May 2015, and the office of the Ring India was situated at Shop No.104, Trinetra Apartments, owned by one of the relatives of Mohan Patil (A1). The services shown to have been provided by Ring India were alleged to be an eye wash for the purpose of wrongful gain.

33. During the course of the submissions, learned Counsel for the first informant – Intervener made an effort to show that the invoices raised by Ring India were sham and bogus. In contrast, the applicants in ABA 878 of 2019 have placed on record copies of the bills/invoices and challans raised by Ring India, particulars of the staff deployed by Ring India and the documents to evidence the installation of equipment and software as well as the supporting bills/receipts, which allegedly show the procurement of the hardware and equipment by Ring India for deployment at the schools.

34. In the face of the material on record, at this stage, the allegations are required to be seen in the context of the prima facie complicity of the members of the managing committee and Prashant Patil (A6), on the one part, and the accused Nos.8 and 9, partners of Ring India, on the other part.

35. The allegations against the accused Nos.1 to 6 are that they had diverted the funds of the Trust to the Ring India fraudulently. The tenor of the allegations qua accused Nos.8 and 9 appears to be that accused Nos.8 and 9 either did not supply the equipment and provide the services as contracted for, or the equipment supplied and services rendered were defective and deficient.

36. The material on record, prima facie, indicates that there were supplies of the computers, peripherals and software. Whether the supplies and services were short and not of standard quality and thereby the Trust was defrauded by accused Nos.8 and 9, prima facie, appears to be a matter for adjudication at the trial.

37. At this stage, the individual role of the accused Nos.1 to 6 deserves to be appreciated. From the material on record, it becomes prima facie evident that Mohan Patil (A1) was involved in the alleged misappropriation and siphoning off the funds released by the State Government under the Midday Meal scheme. As noted above, the role of Mohan Patil (A1) in the alleged fraud is borne out both by the statements of the witnesses and the documents on record. The Chairperson of the womens' Group, Store Keeper, the Purchasers and the Principals of the schools have all named Mohan Patil (A1). Prima facie, the complicity of Mohan Patil (A1) is borne out by the material which has emerged during the course of investigation. Conversely, accused Nos.2 to 4, the other office bearers of the managing committee of the trust, prima facie, do not appear to have been instrumental in the alleged fraudulent activities. It

seems, Mohan Patil (A1) was wielding an effective and all pervasive control.

38. As regards Prashant Patil (A6), the submissions of Mr. Sandesh Patil that he was only a Clerk with no authority to take executive decisions and deal in financial matters, appears attractive at the first blush. However, the material on record, prima facie, shows to the contrary. There are minutes of the meetings which record that the applicant Prashant Patil (A6) was maintaining the accounts of the trust and even participated in the meetings of the managing committee and responded to the questions on, financial matters. The witnesses have also named Prashant Patil (A6) as the person who used to receive the price of the rice sold in the open market. The Chairperson of the Womens Group also named Prashant Patil as the person who had collected the documents from the said group. Prima facie, Prashant Patil (A6) was involved in the alleged fraudulent transactions along with Mohan Patil (A1).

39. At this stage, the necessity of arrest and custodial interrogation of the applicants merit consideration. It is trite, a balance has to be struck between the interests of fair and effective investigation and the protection of the accused from humiliation and harassment, which an unjustified arrest entail.

40. In the case of **Pratibha Manchanda and Anr. (supra)**, the Supreme Court enunciated the competing interests which are required to be weighed in deciding the prayer for pre-arrest bail. It was, inter alia, observed as under :

> "21. The relief of Anticipatory Bail is aimed at safeguarding individual

> rights. While it serves as a crucial tool to prevent the misuse of the power of arrest and protects innocent individuals from harassment, it also presents challenges in maintaining a delicate balance between individual rights and the interests of justice. The tight rope we must walk lies in striking a balance between safeguarding individual rights and protecting public interest. While the right to liberty and presumption of innocence are vital, the court must also consider the gravity of the offence, the impact on society, and the need for a fair and free investigation. The court's discretion in weighing these interests in the facts and circumstances of each individual case becomes crucial to ensure a just outcome." (emphasis supplied)

41. In the case of **P. Chidambaram V/s. Directorate of Enforcement (supra),** the Supreme Court observed as under :

> "83. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and in collecting the useful information and also the materials which might have been concealed. Success in such interrogation would elude if the accused knows that he is protected by the order of the Court. Grant of anticipatory bail, particularly in economic offences would definitely hamper the effective investigation. Having regard to the materials said to have been collected by the respondent Enforcement Directorate and considering the stage of the investigation, we are of the view that if ti snot a fit case to grant anticipatory bail." (emphasis supplied)

42. It is true, the applicants are on interim bail since the year 2018. However, having regard to the nature of the accusation and the material on record, especially as regards the embezzlement of the grant released by the State Government for Midday Meal scheme, the custodial interrogation of the applicants – Mohan Patil (A1) and

Prashant Patil (A6) appears necessary to facilitate effective and complete investigating, unearth the fraud and also have the money trail.

43. To conclude, in the facts of the case at hand, having regard to the nature and gravity of the offences, the severity of the punishment and the role attributed to Mohan Patil (A1) and Prashant Patil (A6), in my considered view, despite the time lag of six years from the date of the registration of the FIR, the custodial interrogation of Mohan Patil (A1) and Prashant Patil (A6) is indispensable.

44. As regards the accused Nos.2 to 4, apart from the role attributed to them, the fact that accused Nos.2 to 4 are in their seventies, also deserves to be taken into account. Thus, the order of interim bail qua Accused No.2 to 4 deserves to be confirmed.

45. Likewise, in the context of the material on record, and the nature of the accusation against accused Nos.8 and 9, in my considered view, the order of interim bail qua Accused Nos.8 and 9 also deserves to be made absolute.

46. Hence, the following order :

ORDER

(i) ABA No.867 of 2019 stands partly allowed.

The application of Vasudev Bhaskar Patil, Gurunath Sakharam Patil and Dilip Ramchandra Patil – Applicant Nos.2 to 4, stands allowed.

The order of interim bail dated 10 April 2019 is made absolute qua

Applicant Nos.2 to 4.

The application of Mohan Madhukar Patil (A1) – Applicant No.1 stands rejected.

The order of interim bail dated 10 April 2019 stands vacated qua Mohan Patil (A1).

(ii) ABA No.865 of 2019 stands rejected.

The order of interim bail dated 10 April 2019 stands vacated.

(iii) ABA No.878 of 2019 stands allowed.

The order of interim bail dated 11 April 2019 is made absolute.

(iv) In view of the disposal of the applications, all Interim Applications stand disposed.

(v) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

(N.J.JAMADAR, J.)