IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 39 OF 2025

Santosh s/o Arunrao Survase
Age 37 years, Occupation Private Service,
R/o. Near Joshi Mangal Karyalaya,
Gandhi Nagar, Nathapur Road,
Nalwandi Naka, Beed,
Taluka and District Beed. … Applicant

Versus

The State of Maharashtra
Through P.I. Police Station, Shivajinagar,
Taluka and District Beed. … Respondent

WITH
BAIL APPLICATION NO. 285 OF 2025

Santosh Mohanrao Jogdand,
Age 40 years, Occupation Service,
R/o. Vipra Nagar Beed,
Taluka and District Beed. … Applicant

Versus

1. The State of Maharashtra
Through Officer In Charge,
Police Station Shivaji Nagar,
Beed, District Beed.

2. The Superintendent of Police,
Beed, District Beed. … Respondents

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Mr. R. G. Hange, Advocate for the Applicant in Bail Application No. 39 of 2025.
Mr. S. E. Shekade, Advocate for the Applicant in Bail Application No. 285 of 2025.
Mr. V. M. Chate, APP for Respondent-State in both applications.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 18.03.2025
Pronounced on : 20.03.2025

ORDER :

1. As both above applications for regular bail are in consequence of arrest of respective applicants in one and the same crime bearing no. 0269 of 2024 registered at Shivajinagar Police Station, District Beed for offence punishable under Sections 420, 406, 409, 120(B), 467, 468, 470, 471, 201 r/w 34 of IPC and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (for short, "MPID Act"), learned counsel for both applicants as well as learned APP being heard together, both the applications are decided by this common order.

Submissions by Mr. R. G. Hange, Advocate for the Applicant in Bail Application No. 39 of 2025 :

2. Learned counsel Mr. Hange submits that applicant was working as Assistant Finance Officer and as such, he had no authority to grant, sanction or disburse any funds. That, there are other superior officers who are controlling authorities. Applicant was merely following the instructions and guidelines. Learned counsel pointed out that alleged

fraud is committed at Ambika Chowk Branch of the Dnyandhara Multi-State Co-operative Credit Society Limited, Beed (hereinafter referred to as “the society”). Whereas, present applicant was posted at main branch and as such, had no concern with the transactions which had taken place at Ambika Chowk Branch. Learned counsel took this Court through the statement of one Anant Deshmukh and would submit that it is clear form his statement as to what were the duties and functions of the present applicant. That, there were several other officers along with present applicant, but only he has been implicated. According to learned counsel, in fact, present applicant is not beneficiary of a single penny. That, applicant is behind bars since July 2024. Now investigation is over and charge sheet is already filed on 23.09.2024 itself. Therefore, when no further recovery or discovery is to be made and as entire investigation pertains to documentary evidence, his custody is not necessary and hence, learned counsel seeks grant of bail on any condition deemed fit by this Court.

Submissions by Mr. S. E. Shekade, Advocate for the Applicant in Bail Application No. 285 of 2025 :

3. Learned counsel Mr. Shekade would point out that like above applicant, his client was also merely working as Branch Manager. He

is not beneficiary of any amount. He just followed the guidelines and instructions received from the higher authorities. Even his role is not crystallized in the investigation and the same being over, and charge sheet being filed, he too prays for grant of bail on suitable conditions.

Submissions advanced by learned APP Mr. V. M. Chate :

4. Both above applications are strongly opposed by learned APP by taking this Court through the report and papers received from prosecution. He pointed out that present FIR is lodged by one retired person who had invested lakhs of rupees time to time in the society. That, informant was assured a handsome return on the investments. That, hard earned earnings of the informant were invested, but he did not receive the sum in spite of repeated visits and demands and finally, the branch of the society was shut down. Therefore, he approached police. That, investigation revealed that in all 24 persons are found to be involved right from the Chairman, Vice Chairman, Directors, present applicants who were working as Finance Officer and Branch Manager etc.

5. Learned APP took this Court through the charge sheet and would submit that roles of present applicants are crystillized. They are

responsible for the economic fraud. That, investigation revealed that the fraud was running into over seventeen crore rupees. That, investigation revealed that there are several irregularities committed and funds are diverted for personal benefit of Chairman, his wife and his other near and dear ones. That, huge loans are sanctioned without following due procedure and that people have lost their hard earned earnings. According to learned APP, he has received instructions that investigation is still incomplete and many more other persons are likely to be involved. They are yet to be arrested and furthermore, there is likelihood of rise in the magnanimity of the economic fraud. For all above reasons, he opposed both bail applications.

6. Heard. Perused the FIR dated 13.06.2024 at the instance of one Ashok Kisanrao Jogdand and he reported to police on 12.06.2024 that, he is retired and on 16.04.2022, he had invested Rs.1,00,000/-, Rs. 2,00,000/-, Rs.2,00,000/- and Rs.5,00,000/- in the above society by way of fixed deposits. Finally, on 16.10.2023, when he went to encash the fixed deposits, he did not receive the amount and moreover, on subsequent visits, the branch of the society itself was found to be shut down. He has further reported that like him, fraud has been played on several other persons. On above report, crime has been registered and investigation has been carried out.

7. As regards present applicants are concerned, they are shown as accused nos. 3 and 4 and the allegations against them are defined and crystallized in the summary of the charge sheet. As regards the applicant Santosh Jogdand is concerned, he was said to be working as Branch Manager and there are allegations that he assured handsome returns on investment and created rosy picture and had conspired with other accused in siphoning huge amounts for personal interest.

8. Similar allegations are levelled against applicant Santosh Survase, who was Finance Officer. He is also held responsible for committing several financial irregularities and by circumventing regular procedure, he also contributed to the economic fraud.

9. Learned APP has pointed out that at present, investigation has unearthed economic fraud only to the tune of Rupees seventeen crores and some amount, and only few investors and depositors have come forward and investigation to their extent is being carried out. That, further more investigation is yet to be done and this would further unearth more irregularities committed by many persons. Consequently, it is his submission that, investigation is still going on and that, only few are shown to be arrested. Taking such submissions

into consideration, and the likelihood of magnanimity of fraud getting enlarged, though investigation is over, this Court is not inclined to grant relief as prayed. Hence, the following order :

ORDER

Both the applications are dismissed.

[ABHAY S. WAGHWASE, J.]

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