



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 80 OF 2025

Nandkishor Purushottam Gaud,
Age : 52 years, Occu : Retired,
R/o. Subhash Peth, Aurangabad
(Chh. Sambhajanagar),
Taluka and District Aurangabad,
(Chh. Sambhajanagar)
At present Sonpeth, Taluka Sonpeth,
District Parbhani.

... Applicant.

Versus

The State of Maharashtra,
Through Police Inspector,
Sonpeth Police Station,
Taluka Sonpeth, District Parbhani.

... Respondent

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Mr. M. A. Jahagirdar h/f Mr. A. S. Bajaj, Advocate for the Applicant.
Mr. C. V. Bhadane, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 10.03.2025

Pronounced on : 11.03.2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in crime no. 0015 of 2024 registered at Sonpeth Police Station, District Parbhani for offence punishable under Sections 409, 420 r/w 34 of IPC.

2. Urging for grant of bail, learned counsel submitted that applicant is arrested in above crime in February 2024, i.e. almost one year back and is behind bars since then. That, report has been lodged alleging commission of offence under Sections 420, 409, r/w 34 of IPC and applicant is arraigned as accused in the capacity of CEO of the co-operative bank. Learned counsel pointed out that, in all seven persons were impleaded as accused and five are arrested. Two of them are absconding. That, accused nos. 2, 3, 4 and 4 are granted bail and therefore, it is submitted that on similar allegations, when above accused are granted bail, applicant also deserves bail on the ground of parity, being similarly situated. It is further pointed out that, investigation is over and charge sheet is filed in May 2024 itself. That, entire investigation pertains to documentary evidence and as no further recovery is shown to be made, learned counsel seeks grant of bail on any condition deemed fit by this Court.

3. Opposing the bail application, learned APP submitted that crime is registered on conducting audit. He further submitted that, applicant is shown to be beneficiary of huge amount. That, co-accused, who are granted bail, are not shown beneficiaries of amount and therefore, according to learned APP, ground of parity is not

available to the applicant. He further submitted that, though investigation is over, already matter is ready for evidence and on this count also, application is opposed.

4. Heard. Perused the papers. FIR seems to be at the instance of one Yogesh Mandhana, through Devendra Jain Associates, C.A., Ch. Sambhajinagar, who is authorized auditor, i.e. after conducting audit of Sonpeth Nagri Sahakari Bank for the period from 01.04.2022 to 31.03.2023, and it was revealed that seven persons committed economic fraud and diverted investors' amount for personal benefits by committing irregularities and by violating provisions. Auditor reported fraud to the tune of in all Rs.3,01,58,259/-. Learned APP pointed out that present applicant is beneficiary of Rs.1,32,59,493/-. Learned APP pointed out that co-accused, who are granted bail, were directed to deposit amount allegedly defrauded.

5. Perused the previous orders passed by this Court in Bail Application Nos. 566, 600, 768 and 703 of 2024 filed by Dipak Apet, Kalyan Pandule, Avinash Salve and Dnyaneshwar Surwase on 12.04.2024 and 07.05.2024 respectively. On court query, learned counsel for applicant expressed his inability to deposit any amount.

6. By above orders, Branch Manager Dipak Apet and Cashier Kalyan Pandule are granted bail on depositing Rs.10,00,000/- each, whereas Peon Avinash and Clerk Dnyaneshwar were directed to deposit Rs.2,72,729/- and Rs.1,46,766/- respectively. Learned APP has pointed out from the papers that applicant is shown to be beneficiary of **Rs.1,32,59,493/-**. Therefore, if parity is to apply, then, even and only if applicant is also ready to deposit Rs.10,00,000/-, he is entitled to relief of bail. Hence, I proceed to pass the following order:

ORDER

I. The application is allowed.

II. **Subject to condition of deposit of Rs.10,00,000/-** (Rupees Ten Lakh only) before the J.M.F.C., Sonpeth, and on furnishing Personal Bond of Rs.50,000/- with one surety in the like amount, applicant Nandkishor Purushottam Gaud be released on bail in connection with Crime No. 0015 of 2024 registered at Sonpeth Police Station, District Parbhani, on the following conditions:

[a] The applicant shall not tamper prosecution evidence in any manner.

[b] The applicant shall regularly attend each and every effective date before the trial court.

III. In case of breach of any of the above conditions, the trial court is at liberty to cancel the bail granted to the applicant without further reference to this Court.

IV. On deposit of Rs.10,00,000/- by the applicant, the same be kept in fixed deposit in any Nationalized Bank and the trial court, upon deciding the case on merits, shall decide to whom that amount is to be paid.

V. Bail be submitted before learned J.M.F.C., Sonpeth.

[ABHAY S. WAGHWASE, J.]

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