IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 189 OF 2025
WITH
CRIMINAL APPLICATION NO. 919 OF 2025 IN BA/189/2025

Bhausaheb Vitthal Gunjal,
Age : 59 years, Occ. : Agriculture,
R/o. : Maldad Road, Sangamner,
Tq. Sangamner, Dist. Ahmednagar ... **APPLICANT**

VERSUS

The State of Maharashtra,
Through Police Station Officer,
Sangamner City Police Station,
Tq. Sangamner, Dist. Ahmednagar ... **RESPONDENT**

...

Mr. Prakash B. Shirsath and Mr. Pravin D. Biradar – Advocates for Applicant
Mr. S.B. Narwade – APP for sole Respondent, State
Mr. P.S. Koshti – Assit to P.P.

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 25.03.2025
PRONOUNCED ON : 27.03.2025

ORDER :

1. Instant application is for enlargement on regular bail on account of arrest of applicant in crime No. I 740 of 2023 registered at Sangamner City Police Station, Sangamner, Dist. Ahmednagar for the offence punishable under Section 420, 408, 409, 465, 467, 468, 471, 477–A read with 34 of the Indian Penal Code and Section 3, 4 and 5 of the Maharashtra Protection of Interest Depositers (Financial

Establishments) Act, 1999.

2. Criminal Application No.919 of 2025 filed by informant for intervention seeking permission to assist the public prosecution is allowed.

3. Pointing to the date of arrest of applicant i.e. 21.08.2023 it is submitted that the applicant is behind bars since more than one and half years. That he is falsely implicated. He being working as a Manager, was mere employee and was expected to follow the directions from higher ups like Chairman, Vice Chairman and Board of Directors. He pointed out that in all 21 persons are implicated and that 7 amongst them are family members of main accused/Chairman. Learned Counsel submitted that applicant succeeded earlier manager who resigned, and therefore he is not aware regarding previous transactions. It is pointed out that, initially he was working Senior Clerk but because of above vacancy he was promoted and given charge of Manager. Learned Counsel pointed out that entire fraud/misappropriation is done by the Chairman and other Directors. Applicant is not involved in policy decision. Learned Counsel pointed out that on receipt of notice from Co–operative Department applicant gave detailed reply explaining his stand and

answering all queries raised to him. According to learned Counsel, only allegation against him is that there are some deposit slips in his name and his wife's name. There is no recovery of any cash at his instance. Now charge–sheet is filed and as such, no further recovery or discovery is to be made and consequently he submits that further custody is unwarranted and hence, he seeks grant of bail on any condition deemed fit by this Court.

4. Learned Counsel submitted that Hon'ble Apex Court in the case of **Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Another** in *Criminal Appeal No. 2787 of 2024* (arising out of SLP (Crl) No. 3809 of 2024) has expounded the purport of Article 21 of the Constitution of India and about right of speedy trial. He would submit that, applicant is behind bar since August–2023 and apparently, as trial is not yet commenced in this case, applicant's valuable right of speedy trial is infringed. He further placed on record order of this Court in the case of **Vasudev Suryavanshi Vs. The State of Maharashtra** in *Criminal Bail Application No. 4569 of 2024* and would point out that, therein, elaborate discussion has been made while granting regular bail.

For all above reasons learned Counsel urges for grant of bail.

5. While opposing the bail application, learned A.P.P. pointed out that huge fraud is committed by the Pat Sanstha in which present applicant was working as Manager. According to learned A.P.P., applicant was involved in day to day transactions and was custodian of huge deposits of various people. He pointed that investigation revealed that applicant indulged in causing forgery, creating bogus deposit slips and fixed deposits worth crores of rupees. That, he is also signatory of agreement and caused signatures on R.T.G.S. slips and as such, he is also found involved in said fraud. Learned A.P.P. found that numerous deposit slips are recovered from him which stood in his name as well as his wife's name. Lastly, learned A.P.P. pointed out that he is hand in glove with other accused. Learned A.P.P. has also invited attention of this Court to the detailed order passed in Bail Application No. 2120 of 2024 by which relief of bail to Chairman was rejected.

6. Learned Counsel, who is allowed to assist A.P.P., also opposed on above grounds.

7. Heard. Perused the papers. Law was set into motion on 19.08.2023 by one Rajendra Fakira Nikam a Special Auditor, Co–operative Department, alleging that while conducting audit of

Dudhganga Nagari Sanstha Maryadit, Sangamer for a period from 01.04.2016 to 31.03.2021 he noticed several irregularities and misappropriation committed by 21 persons who were part and parcel of the above Pat Sanstha. Details of the irregularities are reflected and encapsulated in 13 points and ultimately, economic fraud to the tune of Rs.89,79,41,981/- is allegedly committed. There are allegations of huge withdrawals, without following procedures and without maintaining record. There are overdraft, deposits are misdirected for personal gains and benefits. The Chairman, Directors and Managers are said to be involved in all above illegal sanctions, approvals, loans disbursements by showing utter disregard to the rules and regulations. Loans are shown to be disbursed without authorisation/sanction to near and dear ones of accused persons. Applicant is shown as accused No. 2 i.e. right after main accused Chairman – Bhausaheb Damodhar Kute, whose application is already rejected by this Court by order dated 12.02.2025.

8. Learned A.P.P. invited attention of the Court to the summary of charges and allegations against the accused. On going through the summary (page No.61), amongst the 13 distinct heads, applicant is shown to be alongwith main accused – Kute in almost all the items.

9. Learned Counsel has laid much emphasis on the judgment of Hon'ble Apex Court in the case of ***Javed Gulam Nabi Shaikh*** *(supra),* and order of this Court in Bail Application No. 4569 of 2024 ***Vasudev Suryavanshi*** *(supra)* decided by this Court at Principal seat. In that bail application crime was registered for offence punishable under Section 120B, 109, 302, 307 read with 34 of the Indian Penal Code and under provisions of Arms Act. However, in the said proceeding, applicant was shown to be behind bars for more than six years and taking note of 130 witnesses proposed to be examined by the prosecution, bail was granted.

10. Here, facts are distinct. This Court had rejected Bail Application No.2120 of 2024 filed by the Chairman, and present applicant is found to be involved in all alleged irregularities and illegalities in which Chairman is also shown to be involved and his application has been rejected. While rejecting Chairman's bail application, this Court had reproduced the observations of Hon'ble Apex Court in the case of **Tarun Kumar Vs. Assistant Director, Directorate of Enforcement** reported in *AIR 2024 SC (Criminal) 217* and also taking into consideration magnanimity of economic fraud, relief to the Chairman was refused. As stated above, name of present applicant is reflected under all heads alongwith Chairman. Therefore,

he too does not deserve relief as prayed.

11. Resultantly, in view of the above discussion, this Court is not inclined to grant relief as prayed for. Hence, following order :

ORDER

The application is rejected.

[ABHAY S. WAGHWASE, J.]

Pooja Kale