



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 27 OF 2024

The State of Maharashtra
Through Police Inspector,
Anti-Corruption Bureau, Ahmednagar,
Tq. & Dist.Ahmednagar.

....Applicant

Versus

Uttam Shankar Landge
Age: 49 years, Occu.: Service,
R/o. Wadgaon Landga,
Tq.Sangamner, Dist.Ahmednagar.

.....Respondent
(Original Accused)

.....
APP for Applicant : Mr.PK.Lakhotiya
Advocate for Respondent : Mr. Ankush Nivrutti Nagargoje

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 03 FEBRUARY, 2025
PRONOUNCED ON : 20 FEBRUARY, 2025

ORDER :

1. State has moved instant application for cancellation of bail granted by learned District Judge-3 and Additional Sessions Judge, Sangamner, Dist.Ahmednagar, in Criminal Bail Application No.328 of 2023 dated 03-11-2023.

2. Learned APP pointed out that FIR bearing no.0740 of 2023

came to be registered at the instance of one Special Auditor with Sangamner City Police Station, Dist.Ahmednagar on 19-08-2023. That, present applicant, who was arrested on 05-10-2023, moved Bail Application before the trial Court and learned trial Court has pleased to allow the same by order dated 03-11-2023. However, according to learned APP, present respondent was not entitled for grant of bail as there were serious allegations against him for commission of offence under Sections 420, 408, 409, 465, 467, 471 and 477-A of the Indian Penal Code (IPC) and under Section 3 of the The Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act (M.P.I.D. Act). That, respondent was working as a Cashier. That, investigation revealed that huge amounts have been siphoned by committing forgery and huge amounts are transferred by utter disregard to the Rules and Procedure. He pointed out that investigation revealed that there is fraud to the tune of over total amount of Rs.80 crores and as regards present applicant is concerned, investigation has revealed that he is involved in transfer of Rs.20 crores to the account of his brother and statement of such brother shows that he is mere a milk vendor and he has no explanation for the huge amounts being deposited and transferred in his account. That, when learned trial Court granted bail, all such

vital aspects were not before it. That, only on the strength of FIR, learned trial Court has granted bail. Now considering the magnanimity of the offence in which applicant is said to be involved and the manner of fraud played by him, learned APP prays for cancellation of bail.

3. While opposing above application, learned counsel for the respondent pointed out that there was false implication. That, at the stage of bail application, both sides were heard. After hearing prosecution and on going through the papers before the learned trial Court, relief of bail has been granted. That, reasoned order has been passed and according to learned counsel, once bail granted cannot be withdrawn without sufficient cause. Here there is no cause. No condition has been flouted or violated and rather applicant is abiding all conditions imposed by the learned trial Court.

4. Heard. Perused the papers. It seems that crime was registered by Special Auditor on 19-08-2023 against in all 21 persons. Out of 21 persons, 15 persons were said to be officiating as Chairman, Manager, Chief Accountant, and rest are loan borrowers for committing fraud of Rs.80,79,41,981/-. Alongwith above 15 persons,

it is alleged in the FIR that 6 persons have found to have assisted above 15 persons and present respondent seems to be one of the them and he is amongst two other cashiers. Thus, *prima facie*, allegations were of assisting main accused in committing above fraud, which is said to be of granting loans, disbursing the same by contravening Rules and Procedures. There are allegations of committing forgery and also allegations are of availing benefits for personal gain i.e. on the amount raised through various investors and depositors.

5. On going through the order, which is now questioned here, it is emerging that in the concluding paragraph no.10 of the order, learned trial Judge has observed that informant himself has clearly stated in the FIR itself that none of the cashiers are found to have benefited or availed personal financial benefits. That, such cashiers seem to have succumbed to the pressure to save their jobs and thereby have assisted main accused. Precisely taking above contents in the above FIR into consideration, learned trial Judge seems to have extended benefit of bail to the present respondent.

Aspect raised today that he transferred Rs.20 crore to the account of his brother, who was mere a milk vendor, does not seem to

have been pointed to the learned trial Court. Be it so, since grant of bail dated 03-11-2023 i.e. since more than one year, till filing of present application for cancellation of bail dated 27-03-2024, no immediate attempt has been taken to seek cancellation or even when above material had allegedly surfaced against present applicant.

6. As pointed out, even there is no adverse remark about non-cooperation in investigation or flouting of any bail condition. Therefore, no convincing reason being made out for cancellation for bail, bearing in mind the settled legal proposition that liberty once granted cannot be withdrawn without just and sufficient cause, application for cancellation of bail deserves to be rejected. Hence, the following order :

ORDER

Application for cancellation of Bail is rejected.

(ABHAY S. WAGHWASE)
JUDGE