



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 183 OF 2025

Vasant s/o Ramrao Dabhade,
Age 63 years, Retired ophthalmic,
Assistant Officer, R/o Swarajya Nagar,
Barshi Road, Beed,
Taluka and District Beed. ... Applicant

Versus

The State of Maharashtra
Through P.I. Police Station,
Georai, Taluka Georai,
District Beed. ... Respondent

WITH
CRIMINAL APPLICATION NO. 720 OF 2025
IN BAIL APPLICATION NO. 183 OF 2025

Mahesh Shridharrao Makal,
Age 43 years, Occupation-Agriculture,
R/o. Nagar Road, Beed,
Taluka and District Beed. ... Applicant

Versus

1. The State of Maharashtra
Through the Police Inspector,
Police Station Georai,
District Beed.
2. Dr. Vasant Ramrao Dabhade
Age Major, Occupation – Medical Practitioner,
R/o. Swarajya Nagar, Beed,
Taluka and District Beed. ... Respondents

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Mr. R. G. Hande, Advocate for the Applicant in Bail Application No. 183 of 2025 and Respondent No.2 in Criminal Application No. 720 of 2025.

Mr. S. E. Shekade, Advocate for the Applicant in Criminal Application No. 720 of 2025.

Mr. S. B. Narwade, APP for Respondent-State in both applications.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 11.03.2025

Pronounced on : 18.03.2025

ORDER :

1. Criminal Application No. 720 of 2025 is at the instance of the original informant, seeking permission to assist APP in prosecuting the bail application. For the reasons mentioned the application, applicant is permitted to assist APP. Criminal Application No. 720 of 2025 is accordingly disposed off.

2. Applicant in Bail Application No. 183 of 2025 seeks grant of regular bail on account of his arrest in crime no. 391 of 2023 registered at Georai Police Station, District Beed for offences punishable under Sections 420, 406, 409, 477-A, 120-B of IPC as well as Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (for short, "MPID Act") and Section 447 of the Companies Act, 2013.

3. Pointing to the date of arrest of the applicant as 16.08.2024, learned counsel submits that the applicant is a retired medical officer (ophthalmologist). That, he has been falsely implicated on accusations that he lured informant and others with Government Job. That, report was lodged on 28.07.2023 and substance of the allegations is that, assuring job in Health Department, informant and others were made to part with cash, and some with their deposits. Learned counsel submits that applicant has no nexus with the episode of assurance of job, nor he has any connection with the bank wherein amounts were either transferred by way of fixed deposits, or by way of investments. That, such allegations are against one Ajit Kale. Learned counsel submitted that cheques are said to be tendered in the bank, but who are the signatories and who issued cheques, is not clear. That, even after conducting entire investigation, charge sheet does not carry any material to pinpoint involvement of applicant. That, he is not beneficiary of any amount. Mere rough entries are taken as a basis and allegations are levelled against applicant also.

4. Learned counsel further submitted that other co-accused Chandrakant Kale, who is similarly situated and almost of same age, against whom similar allegation are levelled, is beneficiary of bail.

That, said Chandrakant Kale was also neither Director of the bank nor he has concern with the operations of the bank. That, present applicant has also not officiated in any capacity in the bank. Like Chandrakant Kale, present applicant is already 63 years of age and he has heart ailment, coupled with diabetes. That, his daughter is also differently abled. That, applicant is behind bars since more than six months and his family members need him.

5. Learned counsel pointed out that, even going by the charge sheet, none of the ingredients to attract Sections 406, 409 and 477 or even Section 3 of the MPID Act can be gravitated against the applicant, because he has not attracted money investment, nor has made informant or others invest money in the bank. That, charge sheet is filed way back on 26.10.2023 itself. Applicant is behind bars since more than six months. According to learned counsel, entire evidence pertains to documentary evidence. That, no further recovery or discovery is to be made at the instance of the applicant. Therefore, learned counsel questions applicant's further continued custody as, according to him, there are no immediate prospects of matter going for trial.

6. Learned APP as well as learned counsel for the informant, who is permitted to assist learned APP, both have strongly opposed on the ground that applicant is also main accused along with other accused. That, he is the one, who knew informant and had assured him to arrange Government job for his wife. They both pointed out that initially, job was assured for Rs.18,00,000/-, but courtesy was tried to be shown due to long acquaintance and deal was finalized at Rs.13,00,000/-. That, time to time, trusting applicant, informant has parted with lakhs of rupees. That, inspite of assurance of job, no job was given. Rather, informant's money was also not returned, and therefore, it is clear pre determined, intentional cheating and fraud. They both opposed on the ground that role of other accused, who is beneficiary of bail, cannot be equated and hence, both of them submit that ground of parity cannot be taken recourse to. Consequently, they oppose bail.

7. Heard. Perused the papers. Report dated 28.07.2023 at the instance of Mahesh Makal is that, he is an agriculturist. He claims to be acquainted with present applicant since 15 to 20 years and have good relations. Informant claims that in April 2019, present applicant approached him and informed him about a friend, namely Ajit Kale,

Chairman of the Shrimantiyogi Urban Nidhi Limited bank, and that said friend has good political connections and he also fixes Government jobs. That, without consulting informant, present applicant allegedly put up a word for job for wife of present informant. It is further reported that informant was also introduced to Ajit Kale and there were talks in the vehicle of Ajit kale and he too assured of arranging job for informant's wife in health department. It is reported that informant was sceptical regarding age of his wife and whether she would be qualified, but present applicant and Ajit kale assured him that they would manage the same and not to worry. It is alleged that informant was asked to arrange Rs.18,00,000/- and finally on negotiations, figure was brought down to Rs.13,00,000/-. It is further stated that Ajit Kale also assured him of returning the amount with 9% interest if the work is not done. Therefore, trusting accused applicant, informant claims that, he parted with amounts in August 2019, June 2020, April 2021 and April 2022, i.e. to the tune of Rs.13,00,000/-. That, repeatedly informant was making inquiry with both, present applicant and Ajit Kale, but due to onset of Covid, they were buying time. Finally, informant realized that economic fraud has been played on him by assuring job and therefore above report has been lodged.

8. Informant further claims that when he went to lodge report, he realized that there are several other persons also, from whom, in similar manner, by assuring job, amounts have been extracted and there is failure to return the same. On above FIR, crime is registered.

9. Learned counsel for the applicant points out that co-accused Chandrakant Kale is already beneficiary of bail. Learned counsel tries to equate the case of present applicant with that of said Chandrakant Kale, who is father is Ajit Kale, i.e. on the ground of age, ailment and therefore, seeks parity. Learned APP as well as learned counsel for the informant have both opposed on the ground that role of present applicant and said co-accused Chandrakant Kale cannot be equated to claim parity.

10. After considering the papers, charge sheet and contents of the FIR, *prima facie* it is emerging that it is present applicant who, on his own accord, has approached present informant and without their being any request, word is said to be put for employment of wife of informant. In spite of 15 to 20 years relations, amount to the tune of Rs.13,00,000/- has been accepted by present applicant and co-accused Ajit Kale. Since 2019 till reporting, there is not only failure to fix the job, but even the amounts are not repaid and attempt is made

to pay in piecemeal by issuing cheques. Informant has reported that, when he went to lodge report, at that time he came to know that there are as many as 27 persons, who had landed in similar situation and were lured on promise of job and sums of various amounts were taken from them.

11. Charge sheet shows that initially, only Chandrakant Kale and Ajay Kokane were available and arrested and proceedings under Section 299 of Cr.P.C. were instituted against present applicant and nine others. Submissions made before this Court that, applicant has no concern with the bank or Ajit Kale and that, he is not in a position to arrange job, cannot be entertained, more particularly when informant has named present applicant for himself approaching him and assuring Government job. As pointed out by learned counsel, there is also force in the submission that role directed to Chandrakant Kale cannot be equated against present applicant, because Chandrakant Kale seems to be father of main accused Ajit Kale, whom present applicant introduced informant and only these three persons were present when there was assurance of job. Payments were made to present applicant. Said co-accused Chandrakant Kale was not primarily named in the FIR for assuring job or accepting money, which has contrarily happened in the case of present applicant.

Therefore, even this Court is not convinced about the ground of parity to be coming into play. Hence, I proceed to pass the following order:

ORDER

The application is dismissed.

[ABHAY S. WAGHWASE, J.]

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