



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 403 OF 2025

Sunil S/o. Ambadas Mankape Patil,
Age : 51 years, Occu. : Business & Agri.,
R/o. Plot No. 31, Shivjyoti Colony,
N-6, CIDCO, Chh. Sambhajinagar,
Tq. & Dist. Chh. Sambhajinagar. ... Applicant

Versus

The State of Maharashtra,
Police Inspector, Vedantnagar Police Station,
Chh. Sambhajinagar,
Tq. & Dist. Chh. Sambhajinagar. ... Respondent.

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Mr. Sambhaji S. Tope, Advocate for Applicant.
Mr. N. D. Batule, APP for Respondent - State.
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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 24th MARCH 2025
PRONOUNCED ON : 25th MARCH 2025

ORDER :

1. Present application is for enlargement on regular bail on account of arrest of applicant in Crime No.0261 of 2023 registered at Vedantnagar Police Station, District Aurangabad for the offences punishable under sections 120-B, 406, 409, 420, 467, 468, 471 r/w section 34 of the Indian Penal Code and under sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act (M.P.I.D. Act).

2. Pointing to the date of arrest of applicant as 29.02.2024, it is submitted that, applicant is behind bars since more than a year. That, he was working as a Manager in Adarsha Mahila Nagari Sahakari Bank Ltd. He has acted on all policy decisions, guidelines and directions issued by President, Vice-President and Directors. That, higher office bearers are beneficiaries of anticipatory bail as well as regular bail. Learned counsel has pointed to the orders passed by this court in various bail applications. Learned counsel submitted that, as against present applicant is concerned, there are general allegations. That, no specific role is attributed. That, moreover applicant is not beneficiary of any amount. He submitted that, charge sheet is already filed and since more than a year he is behind bars. Yet charge is not itself framed and therefore, according to him, commencement of trial itself is uncertain and hence he seeks grant of bail.

3. Learned APP opposed on the ground that huge economic fraud has been committed to the tune of Rs.4,80,00,000/-. That, several irregularities are committed in sanctioning loan. That, Special Auditor noticed that loans were granted against those persons who have not even applied. That, applicant was working as a Manager. That, all those who are named in the FIR including present applicant are beneficiaries. Learned APP seeks reliance on the

judgment of the Hon'ble Apex Court in the case of ***Tarun Kumar v. Assistant Director Directorate of Enforcement***, reported in ***AIR 2024 SC 169***.

4. Heard. Perused the FIR and papers. It is emerging that, one Special Auditor after authorization by Co-operative Department lodged report with Vedantnagar Police Station on 20.12.2023 reporting that he conducted special audit of Adarsh Mahila Nagari Sahakari Bank Ltd. for a period from 01.04.2022 to 31.03.2023. Details of the findings of audit are reflected in the FIR and it is stated total amount of Rs.4,80,00,000/- are distributed by way of loan by indulging into irregularities and there is misappropriation and hence he has named as many as 23 persons. There are allegations of misappropriation by forgery, sanctioning bogus loans and taking false entries.

5. After registration of above crime, some of the accused namely Vide President Swapnarekha Chavan, Sunanda Shinde, Pandit Kawte, Vaishali Daulanpure and Uday Kulkarni are beneficiaries of either anticipatory bail or regular bail at the hands of this court by various orders. One Namdeo Kachkure, who was a Joint Manager is also shown to be beneficiary of bail at the hands of Apex Court by order dated 07.01.2025. Applicant is also a Manager. He is

behind bars since more than a year. Therefore, making the statement across the bar that charge is not framed and that there are no immediate prospects of matter going for trial and no purpose is shown to be achieved yet by further detention, application deserves to be allowed. Hence, the following order is passed :-

ORDER

- I. The application is allowed.
- II. Applicant Sunil S/o. Ambadas Mankape Patil be released on bail in connection with Crime No.0261 of 2023 registered at Vedantnagar Police Station, District Aurangabad, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
 - [c] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday and maintain personal diary of his attendance till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)