IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1067 OF 2025
WITH
CRIMINAL APPLICATION NO. 2175 OF 2025
IN BA/1067/2025
WITH
CRIMINAL APPLICATION NO. 2176 OF 2025
IN BA/1067/2025

Shri Subhash S/o. Manakchand Zambad,
Age 62 years, Occu. Business,
R/o. Plot No. 27, N-2, CIDCO,
Kamgar Chowk, Cha. Sambhajinagar,
District Chatrapati Sambhajinagar. .... APPLICANT.

VERSUS

The State of Maharashtra
Through Police Inspector
City Chowk Police Station,
Cha. Sambhajinagar,
District Chatrapati Sambhajinagar. ....RESPONDENT

...

Mr. V.D. Sapkal, Senior Advocate a/w. Mr. Atharva D. Khedkar i/b. Mr. Parth Salunke, Advocates for applicant.

Mr. A.R. Kale, Assistant Public Prosecutor for respondent No. 1/State.

Mr. P.K. Palve, Advocate for applicant in Cri. Appln. No. 2175/25.

Mr. D.K. Dagadkhair, Advocate for applicant in Cri. Appln. No. 2176/25.

...

CORAM : ARUN R. PEDNEKER, J.
DATE : 29/07/2025

ORDER :

1. Criminal Application Nos. 2175 and 2176 of 2025 filed for assisting to APP are allowed and disposed of. Mr. P.K. Palve and Mr. D.K. Dagadkhair, respective learned advocates are allowed to assist APP.

2. Heard Mr. V.D. Sapkal, learned counsel for the applicant, Mr. M.P. Kale, learned APP for the respondent-State and Mr. P.K. Palve and Mr. D.K.

Dagadkhair, learned advocates assisting APP.

3. The applicant is seeking bail as he was arrested in connection with Crime No. 354/2023 dated 18.10.2023 registered with City Chowk Police Station, Chh. Sambhajinagar, District Chh. Sambhajinagar for the offences punishable under sections 406, 409, 420, 465, 467, 468, 471, 477-A, 217, 120-B r/w. 34 of Indian Penal Code ('IPC' for short), sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

4. The case of the prosecution is that one Suresh Panditrao Kakade, District Special Auditor, Class-I, Cooperative Societies, Aurangabad lodged report with City Chowk Police Station Aurangabad in respect of present crime. It is stated in the FIR that the informant is appointed as the Administrator of Ajantha Urban Co-operative Bank Ltd., Aurangabad ('Ajantha Bank' for short) and accordingly, he took charge of the bank as an Administrator on 31.8.2023. The Chief General Manager of RBI vide letter dated 28.8.2023 had directed the informant to take legal action with regard to illegalities and irregularities being conducted in Ajantha Bank and accordingly vide letter dated 6.9.2023 as per the letter of RBI and in view of the provisions of Maharashtra Co-operative Societies Act, further actions have been taken.

5. It is contended that as per the letter dated 28.8.2023 issued by RBI, it was found that net worth and CRAR with reference to audited financial condition of the bank has a huge gap. Net worth of the bank was Rs. (-) 70.14 crores and CRAR was Rs. (-) 38.30 Crores. Similarly an amount of Rs. 64.60 crores was shown to have been kept in the name of 36 borrowers by showing false and fabricated fixed deposit certificates. It was also

contended that false and fabricated certificate of balance with reference to amount of Rs. 32.81 crores has been given to RBI.

6. It is the case of the prosecution that the present applicant was the Chairman of Ajantha Bank at the relevant time and he in conspiracy with other co-accused has siphoned/misappropriated the amount of depositors by creating forged, fabricated record of bogus fixed deposits in the name of his close persons and further availed overdraft facilities against those bogus fixed deposits during the period from 1.3.2006 to 30.8.2023. It is also stated that the applicant had conspired to create fabricated, false and bogus documents to make Reserve Bank of India ('RBI' for short) to believe that the bank is having sound financial condition and has shown the exaggerated figures of amounts deposited with the banks than the actual one. It is also stated that RBI had received several complaints regarding misappropriation of funds in the bank and accordingly conducted thorough enquiry and found that the applicant and other co-accused were doing gross misdeeds to show inflammation of amount on the basis of bogus record and false reports were submitted to RBI.

7. In the supplementary chargesheet, role of the present applicant is given, which is annexed with the present bail application at page Nos. 214 to 218, as under :-

अ.क्र.	आरोपीचे नाव	पुराव्याचा प्रकार
1	सुभाष माणकचंद झांबड	आरोपी सुभाष माणकचंद झांबड अजिंठा अर्बन को.ऑप. बँक मर्या. औरंगाबाद बँकेच्या स्थापनेपासून सन 1999 ते 2023 बँकेवर RBI कडून आर्थिक निर्बंध लागेपर्यंत अध्यक्ष होते. आरोपी सुभाष माणकचंद झांबड यांनी बँकेचे अध्यक्ष या महत्वाच्या व जबाबदारीच्या पदावर कार्यरत असतांना सन 2006 ते सन 2023 या कालावधीत बँकेच्या आदर्श उपविधी तसेच बँकींग नियमावलीचे उल्लंघन करून, अधिपत्याखालील अजिंठा अर्बन को.ऑप. बँक मर्या. औरंगाबाद बँकेचे मुख्य कार्यकारी अधिकारी, मुख्य व्यवस्थापक, बँक अधिकारी, शाखा व्यवस्थापक यांचे

मार्फतीने मौखीक प्रचार करून, स्थानीक वर्तमानपत्रात जाहीरात देऊन, बँकेत भिंतीपत्रके डकवून त्याव्दारे अजिंठा अर्बन को. ऑप. बँक मर्या. औरंगाबाद या बँकेत मुदतठेव (FD), मंथली इन्कम स्किम मध्ये ठेवीवर 10 ते 12 टक्केपर्यंत आकर्षक व्याज देण्याचे ठेवीदारांना आमीष दाखवून, अजिंठा अर्बन को. ऑप बँकेत ठेवी ठेवण्यासाठी प्रवृत्त केले तसेच ठेवीदारांना मुदतपुर्ती झालेल्या ठेवी विड्रॉल केल्यास आर्थिक नुकसान होईल अशी भिती दाखवुन ठेवी विड्रॉल केल्यापेक्षा त्यावरील व्याजदर वाढवून देऊ असे खोटे आश्वासने व प्रलोभन दिले. त्या प्रलोभनास बळी पडुन गुंतवणुकदार/सभासद / ठेवीदार यांनी आरोपी अध्यक्ष, संचालक मंडळ तसेच बँकेचे CEO, मुख्य अधिकारी, शाखा व्यवस्थापक यांचेवर विश्वास ठेवून त्यांच्या सेवानिवृत्तीतुन मिळालेली रक्कम, बचत केलेली रक्कम आयुष्याची कमाई, विश्वासाने आरोपीच्या अजिंठा अर्बन को. ऑप. बँक मर्या. औरंगाबाद बँकेच्या मुख्य शाखा जाधवमंडी व उस्मानपूरा शाखेत लाखो करोडो रूपयेंच्या मुदतठेवी (FD), मंथली इंन्कम स्किम (MID) मध्ये लाखो रुपयाच्या ठेवी ठेवल्या होत्या.

आरोपी अध्यक्ष आणि सन 2006 ते सन 2023 या कालावधीतील संचालक, तसेच यातील कॉलम नं.10 मधील नमुद आरोपी सनदी लेखापाल, आणि यापुर्वी दाखल केलेले मुळ दोषारोपपत्रातील आरोपी बँकेच्या मुख्य कार्यकारी अधिकारी, मुख्य व्यवस्थापक (चिफ ऑफीसर), शाखा व्यवस्थापक तसेच FDOD कर्ज प्रकरणातील अटक केलेले मुळ दोषारोपपत्रातील नमुद कर्जदार आरोपी यांचेशी आपसात संगणमत करून, गुन्हेगारी स्वरूपाचा कट रचुन कर्ज खातेदारांच्या संमतीशिवाय त्यांच्या अपरोक्ष बनावट व खोटे 36 FDOD कर्ज खाते स्वतःच्या बँकेत तयार करून घेतले.

अजिंठा अर्बन को. ऑप. बँक मर्या. औरंगाबाद या बँकेचे आदर्श उप विधी व रिझर्व बँक ऑफ इंडीयाने घालुन दिलेले नियम व निर्देशाचे पालन न करता सहकारी बँक नियमावली, सहकारी संस्था कायदा व नियमावलींचे पालन न करता, स्वतःच्या आर्थिक फायद्याकरीता, पद व अधिकाराचा दूरूपयोग करून, नियमबाहय पदधतीने, नियोजनबध्दरित्या, आर्टीफिशीअल एफडी. तयार करून, तसेच बँकेची आर्थिक स्थिती चांगली नसतांना, स्वतःच्या आस्थापना असलेल्या झांबड कंन्स्ट्रक्शनच्या नावाच्या काही F.D., यातील वादग्रस्त 36 एफडी अगेन्स्ट कर्ज प्रकरणातील काही कर्जास जोडून, गुन्ह्यातील वादग्रस्त 1 ते 36 FD अगेन्स्ट कर्ज खात्यावर सुमारे 64.60 कोटी रुपये कर्ज कर्ज घेतले आणि दूसऱ्या बाजूने FDOD कर्जास तारण दाखविलेल्या F.D. विड्रॉल करून त्यांची रक्कम बँक खात्यावर घेऊन दिशाभुल करून खोटे कागदपत्रे तयार केले.

गुन्हयातील खोटया व बनावट 1 ते 36 FDOD पैकी आरोपी-सुभाष माणकचंद झांबड यांनी FDOD कर्ज खाते क्रमांक 2706 गायकवाड उत्तमचंद देवचंद 2) जैन परेश FDOD/2495 3) FDOD/723 जैन सुभाष एम, 4)FDOD/2703 जैन सुरेद्र मदन 5) FDOD/722 पाटणी विनोद 6) FDOD/867 संतोष साखरे 7) FDOD/2320 साखरे पोपट बाजीराव 8) FDOD/2704 पाटील संतोष आर. 9) FDOD/2705 सुराणा घेवरचंद मोतीलाल यांचे कर्ज खात्यातुन कर्जातील अपहाराच्या रकमेतील सुमारे 23,90,76,514/रूपये स्वतःच्या आस्थापना सोहम मोटार्स प्रा.लि., झांबड कन्स्ट्रक्शन हाऊस प्रा.लि. च्या नावे असलेल्या बँक खात्यावर ट्रान्सपर करून घेऊन, विड्रॉल करुन तसेच काही रक्कम रोखीने घेऊन आर्थिक लाभ घेतला असे फॉरेन्सीक ऑडीट मध्ये निष्पन्न झाले आहे.

त्याचप्रमाणे आरोपी अध्यक्ष सुभाष माणकचंद झांबड यांनी यातील बँकेचा अध्यक्ष पदाचा गैरफायदा घेऊन अधिपत्याखालील बँकेतील अधिकारी यांचे कडुन गुन्हयातील वादग्रस्त 36 FDOD (एफडी. अगेन्स्ट कर्ज खाते) खातेदारपैकी कर्जदार तथा गुन्ह्यातील साक्षीदार 1) रमेश सांडू जाधव, FDOD खाते क्र. 1513, 2) रमेश बाबूराव टकले, FDOD खाते क्र. 614, 3) नौसीन सबा

		नदीमोद्दीन FDOD खाते क्र. 2547, 4) सुभाष माणकचंद जैन (सुभाष एम. जैन) FDOD खाते क्र.723, 5) राहुल किरण गुजर FDOD खाते क्र. 3230, या खातेदारांच्या संमतीशिवाय त्यांचे अपरोक्ष, कोणतेही KYC दिलेले नसतांना, फार्मवर स्वाक्षरी केलेल्या नसतांना संगणमताने, वर नमुद साक्षीदारांच्या नावाने बनावट कर्ज खाते उघडून, त्यांचे नावे अजिंठा अर्बन को ऑप बँक लि. औरंगाबाद बँकेत तयार केलेल्या आर्टीफिशीअल बनावट खोटया FDOD. कर्ज खात्यावर त्यांचे लाखो करोडों रुपयांचे कर्ज रक्कम जमा करून तेथुन सहआरोपी मुख्य कार्यकारी अधिकारी, शाखा व्यवस्थापक व इतर यांचेशी संगणमत करून कर्जातील रक्कमेचा लाभ घेऊन साक्षीदारांची फसवणुक केली तसेच ठेवीदारांची आर्थिक फसवणुक केली. गुन्ह्यातील वादग्रस्त 1 ते 36 FD अगेन्स्ट कर्ज खात्यावर सुमारे 64.60 कोटी रुपये कर्ज वाटप केल्याचे दाखवुन खोट्या व बनावट नोंदी करुन घेऊन कर्जातील रकमा स्वतःच्या आर्थिक फायद्यासाठी रोखीने तसेच स्वतःच्या ईतर आस्थापनाच्या बँक खात्यावर घेऊन ठेवीदारांची व खातेदारांची फसवणुक केली. व स्वतः आर्थिक लाभ घेतला असून आर्थिक व्यवहाराचे व्हाऊचर्स न बनविता Sundry Creditors Account ला बनावट नोंदी आधारे डेबीट क्रेडीट टाकुन, खोटे नोंदीव्दारे मुदत ठेव पावत्या तारण दाखविल्या व FDOD कर्ज खात्यावर पैसे क्रेडीट डेबीट (जमा खर्च) व्यवहार दाखवून दिनांक 31/03/2023 रोजीचा ताळेबंद जुळवुन घेऊन काही कर्ज खाते Balance Zero दाखविले. ठेवीदारांच्या मुदतठेवी, मंथली इन्कम स्किम ठेवी व बचत खात्यावर ठेवलेले रक्कमेतून बनावट कर्जाच्या माध्यमातुन आर्थिक अपहार केला. त्याचप्रमाणे आरोपीं सुभाष माणकचंद झांबड यांनी अधिपत्याखालील मुख्य कार्यकारी अधिकारी, सह आरोपी यांचे कडुन अजिंठा अर्बन को. ऑफ बँक मर्यादित, औरंगाबाद या बँकेचे ईतर बँकेत असलेले बँक खाते 1) स्टेट बँक इंडीया शाखा, टाऊन सेंटर छत्रपती संभाजीनगर (SBI Bank) या शाखेमध्ये असलेल्या खातेवर 90,989/- रुपये जमा शिल्लक असतांना, त्या शिल्लक जमा रक्कमे ऐवजी 12.37 कोटी रुपये जमा शिल्लक असल्याचे खोटे व बनावट Balance Certificate तयार करुन घेतले तसेच 2) अॅक्सीस बँक शाखा गारखेडा, व जुना मोंढा छत्रपती संभाजीनगर (AXIS Bank) या शाखेमध्ये असलेल्या खात्यावर 32,00,000/- रुपये जमा शिल्लक असतांना त्या शिल्लक जमा रक्कमे ऐवजी 9.14 कोटी रुपये जमा शिल्लक असल्याचे खोटे व बनावट Balance Certificate तयार करुन घेतले. 3) महाराष्ट्र स्टेट सहकार बैंक शाखा, छत्रपती संभाजीनगर (MSC Bank) या शाखेमध्ये असलेल्या खातेवर 6,00,000/- रुपये जमा शिल्लक असतांना त्या शिल्लक जमा रक्कमे ऐवजी 11.69 कोटी रुपये जमा शिल्लक असल्याचे खोटे व बनावट Balance Certificate तयार करुन घेतले, अशा प्रकारे नमुद बँकांमध्ये 38,85,191/-(अडोतीस लाख पंच्याऐशी हजार एकशे एक्यान्नव) शिल्लक असतांना त्याऐवजी 33,20,00,000/-(तेहतिस कोटी विस लाख रुपये) शिल्लक असल्याचे खोटे हिशोब तयार करुन घेऊन वर नमुद बँकांचे Balance Certificate खोटे बनावट असतांना ते खरे असल्याचे भासवून अप्रामाणीकपणे भारतीय रिझर्व बँकेला (R.B.I.) सादर केले अशा प्रकारे अध्यक्ष आरोपी सुभाष माणकचंद इ तांबड यांनी कटात सहभागी होऊन अधिपत्याखालील बँकेचे अधिकारी यांचेकडुन खोटे व बनावट कागदपत्रे तयार करुन ते RBI यांना सादर केले. वर नमुद बनावट व खोटे तयार केलेल्या बँक बॅलन्स सर्टिफिकेटच्या व्यतिरीक्त अशाच प्रकारे आणखी 1) औरंगाबाद जिल्हा मध्यवर्ती सहकारी बँक (ADCC Bank) (00017), 2) IDBI Bank (16010) 3) Yes Bank (18425) 4) सेंट्रल बैंक ऑफ इंडीया (58570) 5) ESAF (33788) या बँकेत असलेल्या अजिंठा अर्बन को. ऑप बँक मर्या. बँकेच्या खात्यात शिल्लक रक्कमेपक्षा जास्त रक्कम अजिंठा अर्बन को ऑप बँकेच्या नावे असलेल्या खात्यावर शिल्लक असल्याचे खोटे हिशोब तयार केले असून आरोपींनी बँकेतील ठेवीदारांच्या

		रकमेचा केलेला अपहार उघड होऊ व बँक तोट्यात नसून नफ्यात असल्याचे भासवून, खोटे वार्षीक अहवाल तयार करून ठेवीदारांची आर्थिक फसवणुक केली. साक्षीदार सीए. श्री. रमन लोया यांनी केलेल्या रिकन्सीलेशन ऑडीट आणि सीए.के.एम. अग्रवाल यांनी केलेल्या फॉरेन्सीक ऑडीट मध्ये त्यांनी सदरील बाबी नमुद केल्या आहे. अजिंठा अर्बन को ऑप बँक मर्या. औरंगाबाद बँकेच्या अध्यक्षपदाच्या कालावधीत यातील सुमारे 22,387 साक्षीदार तसेच इतर ठेवीदार/गुंतवणुकदार/सभासदांनी यांनी, अजिंठा अर्बन को. ऑफ बँक मर्या. औरंगाबाद या बँकेकडे FD., MID., Saving Account मध्ये Net Deposit-447,39,86,952/- रूपये ठेवी ठेवलेल्या असतांना, सदर आरोपींने इतर सहआरोपीं यांचेशीसह संगणमताने आर्थिक अपहार केल्याचे व बनावट बँक बॅलन्स प्रमाणपत्र RBI. बँकेला सादर केले RBI. बँकेकडून करण्यात आलेल्या परिक्षणात, आर्थिक अनियमीतता आढळून आल्याने, अजिंठा अर्बन को ऑप बँकेवर आर्थिक निर्बंध लादल्यात आले च बँकेवर प्रशासकांची नियुक्ती करण्यात आली. अशा प्रकारे आरोपी अध्यक्ष सुभाष माणकचंद झांबड यांनी सहआरोपींशी संगणमत करून, पद व अधिकाराचा दूरूपयोग करून, ठेवीदारांचा विश्वासघात केला, तसेच खोट्या व बनावट 36 FDOD च्या माध्यमातुनठेवीचा अपहार करून ठेवीदार गुंतवणुकदारांची आर्थिक फसवणुक केली स्वतः आर्थिक लाभ घेतला.

8. In view of the above allegations, chargesheet is filed against the applicant and other co-accused for the aforesaid offence.

9. Mr. V.D. Sapkal, learned senior counsel for the applicant has focused his argument on the allegation of disputed fixed deposited certificates of Rs. 64.60 crores kept in the names of 36 borrowers who are close to the present applicant. In this regard, the learned senior counsel has taken me through the letter dated 28.2.2024 written by the complainant/ administrator of Ajantha Bank in response to the letter issued by the Investigating Officer. Since the entire case of the applicant is based on the above letter dated 28.2.2024, the said letter is reproduced below :-

"मा. पोलिस निरिक्षक,
आर्थिक गुन्हे शाखा,
पोलिस आयुक्तालय, छत्रपती संभाजीनगर

विषय :- 36 एफ.डी.ओ.डी. कर्ज खाते वसुलीबाबत.

संदर्भ : आपले कार्यालयाचे जा.क्र./आ.गु.शा./गुन्हे तपास माहिती/फौ.प्र.स.23-2024/2013 दि.12/02/2024

महोदय,

उपरोक्त संदर्भीय विषयाच्या अनुषंगाने कळविण्यात येते की, दि.18/10/2023 रोजी भारतीय रिझर्व्ह बँकेच्या निर्देशाप्रमाणे गुन्हा नोंद केला आहे. सदर गुन्हयातील रक्कम रु.97.41 कोटी होती.

सदर गुन्हयात नमुद रक्कमेच्या वसुलीचा तपशिल पुढील प्रमाणे आहे.

अ.क्र.	तपशिल	वसुल रक्कम	शेरा
1	एफ डी.ओ.डी.	21,56,11,565	ठेव पावत्या कर्ज खात्याला जमा करून
2	दि.18/10/2023 पुर्वी	24,93,16,670	रोख/आर.टी.जी.एस.व्दारे जमा
3	दि.18/10/2023 नंतर	18,76,41,588	रोख / आर.टी.जी.एस. व्दारे जमा
	एकुण	65,25,69,823	

वरिल प्रमाणे बँक रेकॉर्ड नुसार रु.65,25,69,823/- रक्कम जमा झालेली आहे. पैकी रू. 21,56,11,565/- एवढी रक्कम माहे मार्च 2023 मध्ये कर्जदाराच्या कर्ज खाते उतार्‍यावर ठेव पावत्याने रक्कमा जमा दर्शविण्यात आलेल्या आहे. प्रत्यक्षात बँक दप्तरी सदर मुळ ठेव पावत्या उपलब्ध नाहीत.”

10. The learned counsel for the applicant submits that the above amount shown in the chart is repaid by the applicant. Investigation in the matter is completed. Chargesheet is filed. The other allegations are general in nature which are in respect of Board of Directors and other office bearers, who possibly mis-managed the business of banking. The learned senior counsel therefore prays to release the applicant on regular bail.

11. Per contra, the learned APP points out that the amount deposited through cash/R.T.G.S. as shown in the above chart (i.e. Rs. 24,93,16,670/- and Rs. 18,76,41,588/-) are received from the other banks. In respect of amount of Rs. 21,56,11,565/- the learned APP points out that this amount is deposited in the bank account unauthorisedly by liquidating the fixed deposit receipts of the other depositors without their consent. The learned APP has produced the list of persons whose fixed deposit receipts are liquidated by the bank without their consent and the amount of Rs. 21,56,11,565/- is said to have been paid by the applicant. Original fixed deposit receipts are with the fixed deposit holders. Their statements are

also recorded by the Investigating Officer. The learned APP submits that action of the applicant, liquidating the fixed deposit receipts of large number of depositors without their consent and diverting their funds towards the loan account of 36 borrowers who are close to the applicant is an illegal act which would fall within the provision of section 409 of I.P.C. The learned APP submits that in the letter dated 28.2.2024 it is mentioned that from the total recovered amount of Rs. 65,25,69,823/-, amount of Rs. 21,56,11,565/- is shown to be deposited from the loan accounts extract of the borrowers, who are close to the applicant, however, the bank do not have copy of original fixed deposit receipts.

12. Considering the above, the learned APP submits that the offence is of grave nature and economic offence relating to siphoning of amount/ funds of large number of depositors is very serious. The learned APP submits that apart from the above specific case against the applicant, further investigation of the case is still in progress. Out of amount of Rs. 447.70 crores deposits of 22387 depositors, an amount of Rs. 276.72 crores amount has been paid through DICGE insurance claim and amount of Rs. 69.04 crores is remained to be paid to the depositors through DICGE insurance claim. Apart from the above, amount of Rs. 101.92 crore is not returned to the depositors who have deposited amount more than Rs. 5 lakhs. As such, yet total amount of Rs. 170.97 crores is not received by the depositors. Investigation in that respect is pending. The learned APP submits that the amount paid by the insurance company is required to be recovered from the present applicant, who was Chairman and other co-accused and this amount is apart from the fixed deposited certificates of Rs. 64.60 crores kept in the names of 36 borrowers who are close to the

applicant. The learned APP submits that there are other allegations as regards inflated fixed deposits being maintained by the bank. The learned APP submits that applicant was successful in avoiding his custody as he was pursuing the remedy of anticipatory bail and finally when the supreme court has declined to give any relief to the applicant, he was arrested. Money of large number of people is involved in the present crime. Applicant is influential person and if the applicant is released on bail, the State would not be able to recover the remaining amount and return the same to the depositors/investors. The learned APP therefore prays to dismiss the bail application of the applicant.

13. Having perused the above submissions and police papers, it is required to be noted here that the applicant has liquidated the fixed deposit of Rs. 21,56,11,565/- of depositors without their consent and diverted the said funds into the loan account of his close persons in order to demonstrate that payments are received by the bank. This action of the applicant is totally illegal. Prima facie, there is ample material available against the applicant on record to show that applicant has committed the offence of criminal breach of trust. So also there are large scale illegalities and irregularities committed by the bank for which the applicant being Chairman is also primarily responsible. In this crime, large number of people have lost their money and the amount deposited by them is yet to be returned to them and further investigation is required in the matter as at this stage investigation on wider aspect of fraud is not complete. State Insurance has paid some amount to the investors/depositors, however, the amount paid by the insurance company is also required to be returned to it from the properties of the applicant and others.

14. From the above discussion, the statements recorded by police and other material on record, it is apparent that the applicant and other co-accused are primarily responsible for large scale fraud resulting in the depositors loosing their money.

15. The law as regards grant of bail in economic offences is discussed in the below noted judgment of the Hon'ble Supreme Court. The Hon'ble Supreme Court, in para 22 and 23 of the judgment delivered in the case of **Tarun Kumar Vs. Assistant Director Directorate of Enforcement, reported in AIR 2024 SC (Criminal) 217** has observed as under :-

> "22. Lastly, it may be noted that as held in catena of decisions, the economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country. Undoubtedly, economic offences have serious repercussions on the development of the country as a whole. To cite a few judgments in this regard are Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation, Nimmagadda Prasad v. Central Bureau of Investigation, Gautam Kundu v. Directorate of Enforcement (supra), State of Bihar and Anr. v. Amit Kumar alias Bachcha Rai. This Court taking a serious note with regard to the economic offences had observed as back as in 1987 in case of State of Gujarat v. Mohanlal Jitamalji Porwal and Anr. as under:
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>> 5... The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to books. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer

> justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the National Economy and National Interest...

17. Considering the law as noted in above judgment of the Hon'ble Supreme Court and the material available with the Investigating agency, it appears that there is large scale fraud committed by the applicant, who was the Chairman of the Ajantha Bank and other co-accused. There is huge misappropriation of the amount of the depositors and investors. The ordinary depositors have lost their hard earned money and life long saving. Police have collected various statements of the witnesses like depositors and borrowers, which point the complicity of the applicant and other co-accused and large scale fraud is committed resulting in misappropriation of money.

18. The applicant's bail application deserves to be dismissed as he has liquidated large number of depositors/investors amounts without their consent and diverted the funds towards the loan accounts maintained by his close relation to the tune of Rs. 21,56,11,565/- and an offence under section 409 of I.P.C. being spelt out against the applicant. This bail application also needs to be rejected to ascertain the assets of the directors including the applicant to recover the outstanding loan in terms of provisions of the M.P.I.D. Act and the liability will have to be fixed and the case would also require further investigation of the applicant to unearth the complete fraud in the matter. The fraud committed is of large magnitude and the applicant is directly involved in the fraud, as such this is not a fit case for grant of regular bail. Considering the above, the applicant is not entitled for any relief.

19. In view of the above, the application is dismissed. It is clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

20. The bail application is dismissed. All other applications are disposed of.

[ARUN R. PEDNEKER, J.]

SSC/