



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1866 OF 2024

Devidas s/o Sakharam Adhane
Age : 48 years, Occ: Business,
R/o Viramgaon Village, Tq. Khultabad,
District Aurangabad. ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Abhaysinh K. Bhosle, Advocate for the Applicant.
Mr. V. M. Jaware, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 07.01.2025

Pronounced on : 08.01.2025

ORDER :

1. Applicant is seeking enlargement on regular bail in consequence to crime bearing no. 0674 of 2023 registered at CIDCO Police Station, District Chhatrapati Sambhajnagar (Aurangabad) for offences punishable under Sections 406, 408, 409, 420, 465, 467, 468, 471, 120-B r/w 34 of IPC, Sections 3 and 4 of the M.P.I.D. Act and Sections 21 and 23 of the Banning of Unregulated Deposit Scheme Act, 2019.

2. Learned counsel for the applicant pointed out that present application is pressed into service on the sole ground of parity. He

pointed out that, applicant merely happens to be husband of accused Savita, who was Chairman of Yashaswini Mahila Swayam Sahayata Bachat Gat Sahakari Patsanstha (“credit society” for short). He pointed out that both, Chairman and Vice-Chairman, are already beneficiaries of bail. Applicant is arrested on 02.11.2023 and he is behind bars since then. It is further pointed out that now entire investigation is over and charge sheet is also filed. That, nothing is to be recovered or discovered from applicant. It is further pointed out that, in order dated 14.12.2024, thereby granting bail to Chairman (wife of present applicant), this Court has referred about affidavit being filed by both, present applicant as well as his wife/Chairman, showing their willingness to attach properties owned by them and worth of such properties is more than amount allegedly misappropriated. For above reasons, learned counsel prays for grant of regular bail.

3. Learned APP strongly opposed the bail application alleging that huge amount invested by several depositors has been misappropriated by flouting bylaws and huge properties are amassed. Learned APP submitted that present applicant is husband of Chairman. Investigation revealed his involvement. On audit, irregularities were noticed and therefore above crime has been registered. According to

him, there is overwhelming evidence regarding involvement of applicant.

4. After considering the submissions and on going through the papers, it appears that CIDCO Police registered above crime on report of Auditor of Co-operative Societies. In the FIR, almost 15-16 persons are named for commission of above offence resulting in their arrest. Present applicant is said to be husband of one of the accused who was officiating as Chairman, who seems to be a beneficiaries of bail order passed by this Court on 14.12.2024. Present application is precisely on the ground of parity and secondly, that he had no concern with the said credit society which was meant for and run by women. Applicant is shown to be behind bars since 02.11.2023. Statement is made across the bar, and it is also reflected in the order passed by this Court dated 14.12.2024, regarding present applicant and his wife having tendered affidavit that they have no objection for attachment of their properties. Taking the same into consideration and as applicant is behind bars since more than one year and there does not seem to be prospects of immediate trial, relief as prayed deserves to be granted, more particularly on the ground of parity. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant Devidas s/o Sakharam Adhane be released on bail in connection with Crime No. 0674 of 2023 registered at CIDCO Police Station, Chhatrapati Sambhajnagar (Aurangabad), on executing Personal Bond of Rs. 1,00,000/- with one or more sureties in the like amount.
- III. The applicant and his relatives shall not create third party interest in the properties standing in their personal name and shall furnish undertaking to that extent.
- IV. The applicant shall not tamper prosecution evidence.

[ABHAY S. WAGHWASE, J.]

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