



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1962 OF 2025

ANIL AMBADAS MANKAPE PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sambhaji S. Tope
APP for Respondent : Ms. D. S. Jape
...

CORAM : SACHIN S. DESHMUKH, J.
DATE : 04-12-2025

PER COURT:-

1. The applicant is seeking bail in connection with FIR/ C.R.No.0644 of 2023 dated 26.09.2023 registered with CIDCO Police Station, Chhatrapati Sambhajinagar, for the offences punishable under Sections 406, 408, 409, 420, 468, 471, 120B read with Section 34 of the Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned A.P.P. for the State.
3. The first information report is lodged in connection with cheating, forgery and other offences in relation to the misappropriation of funds during the financial year 2022 to 2023 of the Adarsha Mahila Nagari Co-operative Credit Society. The said fact surfaced during the audit of the credit society and, accordingly, the concerned Board of Directors of the same were arraigned as accused including the present applicant.

4. In the aforesaid background, Mr. Tope, learned counsel for the applicant submits that investigation of the crime is completed and the chargesheet has been filed. The evidence in the alleged offence is documentary in nature, which is already seized by the Investigating Officer. Hence, nothing is to be recovered at the instance of applicant. It is further submitted that this Court had granted bail to the similarly situated co-accused/directors of the society in Bail Application No.1009 of 2024 and Bail Application No.1679 of 2024.

5. It is further submitted that all the allegations are principally levelled against the Chairman of the society. As such, no role is attributed to the applicant in the alleged incident. Hence, prayed for grant of bail.

6. The learned A.P.P. vehemently opposed the application and submitted that the applicant is the beneficiary of the crime which is evident from the fact that the father of the applicant is Chairman. The applicant being a Director has played active role in the affairs of the society. In the process, the learned A.P.P. has placed reliance in the order of this Court (Coram: Amit Borkar, J.) in ***Bail Application No.1175 of 2025 (Milind Satish Sawant vs. The State of Maharashtra) dated 04.09.2025***. As such, the applicant is disentitled for bail.

7. It is a matter of record that co-ordinate Bench of this Court

has granted bail to the co-accused having identical role i.e. Director of the society in the alleged offence, *vide orders in Bail Application No.1009 of 2024 (Coram: S. G. Mehare, J.) dated 30.08.2024 and Bail Application No.1679 of 2024 (Coram: Arun R. Pednekar, J.) dated 19.12.2024 and Bail Applications No.852 of 2025 and 855 of 2025 (Coram: Sanjay A. Deshmukh, J.), dated 30.09.2025.*

8. There is no debate that the bail is rule and refusal is an exception. As has been held by the Honourable Apex Court in ***Javed Gulam Nabi Shaikh Vs. State of Maharashtra and another (Criminal Appeal No. 2787/2024) dated 03/07/2024*** and further observed that *prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious and there is no possibility of the trial been concluded in near future.*

9. The Honourable Apex Court in ***Javed Gulam Nabi Shaikh*** (*supra*) has observed in paragraph Nos. 19 and 20 as follows;

“19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applied irrespective of the nature of the crime.

20. We may hasten to add the petitioner is still an accused; not a convict. The over-arching postulate of

criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be."

10. Admittedly, the material collected by the prosecution and the number of witnesses cited is likely to take a considerable period. Therefore, the indefinite incarceration of the applicant, would be running contrary to the right of the accused to have speedy trial as contemplated under Section 21 of the Constitution of India. As has been observed by the Honourable Apex Court, in such eventuality, the State or prosecuting agency should not oppose plea in bail on the ground of crime committed is serious.

11. Considering the fact that the applicant is behind bars for a prolonged period and also the fact that the role of the applicant does not travel beyond the role of other Directors, those are enlarged on bail by this Court, as such, is entitled for parity. As far as the allegations with regard to the involvement and participation of the applicant is concerned, essentially is matter of the trial.

12. Thus, in the light of aforesaid discussion, the reliance is placed by the learned A.P.P. on the order in Bail Application No.1175 of 2025 (*supra*) does warrant consideration, as this Court has already granted bail to the other co-accused similarly situated, on the ground of parity.

13. Hence, the following order;

ORDER

- (i) The bail application is allowed.
- (ii) The applicant shall be released on bail in connection with FIR/C.R.No.0644 of 2023 dated 26.09.2023 registered with CIDCO Police Station, Chhatrapati Sambhajinagar, for the offences punishable under Sections 406, 408, 409, 420, 468, 471, 120B read with Section 34 of the Indian Penal Code, on furnishing PR bond of Rs.1,00,000/- with one or two sureties in the like amount to the satisfaction of the trial Court, on the condition that;
 - (a) The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.
 - (b) The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.
 - (c) The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.
 - (d) The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

- (iii) Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also 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.

[SACHIN S. DESHMUKH]
JUDGE

rrd