

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 5369 OF 2024

Mahadev Dashrath Harale	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Tushar Sonawane, Advocate for the Applicant.

Mrs. G. P. Mulekar, A.P.P. for the Respondent – State.

Mr. Sandip Bawkar (A.P.I.) EOW, Pune Rural, present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	10th JANUARY, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 40 of 2022, registered with Indapur Police Station, Indapur, Dist: Pune, for the offences punishable under Sections 120(B) 403, 408, 409 and 420 of the Indian Penal Code (for short, 'IPC'), Sections 21, 22, 23 and 25 of the Banning of Unregulated Deposit Schemes Act, 2019 and Sections 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.
3. The applicant and co-accused were running Chit fund scheme. The allegations against the applicant and co-accused are of defrauding the informant and witnesses, through the

said scheme to the tune of Rs.4,81,53,080/-.

4. The bail is sought on the ground of parity. In support of the said ground, the learned counsel for the applicant has placed on record the copy of the order dated 22nd August, 2024 passed by this Court in Criminal Bail Application No.2899 of 2024. By the said order, this Court has released the co-accused Raju Vasant Shewale on bail.

5. Learned A.P.P. submits that the present applicant be directed to deposit the certain amount, as the applicant and other co-accused have defrauded the informant and witnesses to the tune of Rs.4,81,53,080/-.

6. This Court in order dated 22nd August 2024 while releasing the co-accused on bail has recorded the following observations :

“As far as the contention of the learned APP, that there is huge amount to be recovered, the Hon’ble Supreme Court of India time and again has observed that the Courts are not the recovery agent and not even the police. In that view of the matter, I do not find favour with the submission of the learned APP”

7. The learned APP has not disputed the fact that the role attributed to the present applicant and co-accused Raju

Shewale is identical. In that view of the matter, following order is passed :

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No. 40 of 2022, registered with Indapur Police Station, Indapur, Dist: Pune, for the offences punishable under Sections 120(B) 403, 408, 409 and 420 of the Indian Penal Code (for short, 'IPC'), Sections 21, 22, 23 and 25 of the Banning of Unregulated Deposit Schemes Act, 2019 and Sections 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount;
- (iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- (iv) Liberty is granted to the State for cancellation of bail, if the applicant commits any other offence;
- (v) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court for some reason;
- (vi) Application stands disposed of accordingly.

(N. R. BORKAR, J.)