



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 517 OF 2025

Manda Kailas Kakde

VERSUS

The State Of Maharashtra And Others

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Advocate for Applicant : Mr. Anant K. Shingare h/f/. Mr. K.H. Kawale.

APP for Respondents: Mr. P.D. Patil.

CORAM : MEHROZ K. PATHAN, J.

DATE : 10th FEBRUARY, 2026.

P.C. :-

1. The applicant has approached this court seeking anticipatory bail in connection with Crime No. 674 of 2023 registered with CIDCO police Station, District Aurangabad under Sections 406, 408, 409, 420, 465, 467, 468, 471, 120B r/w. 34 of IPC and under Sections 3 and 4 of the M.P.I.D. Act and under Sections 21 and 23 of the Banning of Unregulated Deposited Scheme Act, 2019.

2. At the outset, the learned APP objects to the maintainability of the present successive bail application as the earlier application bearing ABA No. 1824 of 2023 filed by the applicant came to be withdrawn vide order dated 15.1.2024 as this court was not inclined to grant relief. The applicant has thereafter approached this court by fling another application dated 29.8.2024 as the other similarly situated co-accused were released on anticipatory bail namely, Kavita, Hirabai, Bhagyashree and Zubedabi who were released on bail vide order dated 15.3.2024 passed in ABA Nos. 3 of 2024 and other connected bail applications. The second bail application also came to be withdrawn by

the applicants as this court was not inclined to grant relief, vide order dated 29.8.2024 passed in ABA No., 682 of 2024 and other connected applications. The learned APP submits that though there is no prohibition for filing successive bail applications, however, the successive bail application can be filed only if there is some change of circumstance and such change should be substantial in nature and not merely cosmetic. The successive bail application is filed only on the ground of filing of charge sheet. It is almost a settled law that merely filing of charge sheet cannot be considered as change of circumstance so as to entertain the successive bail application. The application may, therefore, be rejected as not maintainable.

3. As against this, the learned counsel for the applicant submits that even though there is no substantial change in the circumstances. However, after filing of charge sheet in the present crime against the other accused persons and taking into consideration the nature of evidence relied upon by the prosecution against the present applicant the applicant came to know recently that other Directors of the said society are already released on anticipatory bail vide order dated 15.3.2024 passed by this court by recording a finding that the applicants therein, namely, Kavita, Hirabai, Bhagyashree and Zubedabi were nominal Directors and as such, were not alleged of playing any active role in sanctioning the loans. The order dated 15.3.2024 also takes into consideration one of the reasons that mere signing of the resolution to sanction loan by itself is not sufficient to jump to the conclusion that the applicants are involved in the offence and also recording a finding that the Chairman and his wife and close relatives have committed the crime. The learned counsel for applicant, therefore, prays for release of the applicants on anticipatory bail only on the principles of parity which was not pleaded earlier in any bail application.

4. The learned APP on the other hand, opposes the application on the ground that the applicant is involved in a serious offence of fraud committed by the entire office bearers of the bank by siphoning off the huge amounts invested by the depositors. The applicant is specifically named in the FIR to be one of the Directors of the bank. The applicant is also signatory to the resolution sanctioning various loans to the borrowers. The role of the applicant is clearly made out from the investigation papers. As such the applicant may not be released on anticipatory bail. However, the learned APP concedes that the role of the applicant as mentioned in the charge sheet is like other accused persons Kavita, Hirabai, Bhagyashree and Zubedabi.

5. I have gone through the order dated 15.3.2024 passed by this Court in ABA No. 3 of 2024 in the case of Kavita and others in connected bail applications, wherein, this court has observed thus :-

“4. From the investigation papers, prima facie, it appears that, Chairman, his wife and his close relatives have committed the offence. Participation of applicant as alleged that, applicants are signatory to some of the resolutions, by which loans were sanctioned. That itself is not sufficient at this stage to jump to a conclusion that applicants are involved in the offence. Investigation papers, prima facie, indicate that applicants being Directors are implicated in the present crime, however, their role in the alleged offence is not prima facie revealed in the investigation.

5. Charge-sheet is filed in the present case alleging misappropriation of Rs.38,05,62,891/- against 16 accused persons out of them, as per charge-sheet, accused nos.1 Savita Devidas Adhane, accused no.2 Devidas Sakharam Adhane, Accused No.3 Manisha Kailas Ambhore and accused no.15 Ganesh Nanasaheb Shinde are arrested. Accused Nos. 4, 6, 7 to 16, are absconding and charge-sheet is filed against them under section 299 of the Code of Criminal Procedure. Investigation to the extent of applicants appears to be almost complete.

6. *In view of filing of charge-sheet and considering the gender of applicants, their pre-trial custodial detention is not necessary as nothing is to be recovered from them."*

This court had confirmed the order dated 6.2.2024 on the ground that the applicants have cooperated with the investigation and nothing remains to be investigated against the accused.

6. Perusal of the charge sheet shows that the applicant Manda Kakde is arrayed as accused No.10. All allegations in the charge sheet shows verbatim allegations to that of the accused Kavita, Hirabai, Bhagyashri and Zubedabi, who are accused Nos. 11,12, 13 and 8 in the charge sheet. There is not even difference of a single word in the gist of allegations against the accused who are already released on bail after filing of charge sheet.

7. Thus, taking into consideration the observations of this court in its order dated 15.3.2024 passed in ABA Nos. 3 OF 2024 and other connected applications, the successive bail application of the applicants can be entertained on the principles of parity, particularly, when the nature of the allegations against the applicants are identical to that of the other accused, who are released on anticipatory bail vide order dated 15.3.2024, i.e. Kavita, Hirabai, Bhagyashree and Zubedabi.

8. The order rejecting the bail application passed by the learned Sessions Judge dated 4.2.2025 refers to one resolution dated 30.10.2022 vide which the loan to the tune of Rs. 81,01,969/- was granted to various borrowers and another resolution dated 30.11.2022, wherein, loan to the tune of Rs. 1,14,68,688/- was sanctioned in favour of 125 borrowers. The aforesaid resolutions dated 30.10.2022 and 30.11.2022 were produced by learned APP. Perusal of the aforesaid resolutions would show that all the released accused Kavita, Hirabai,

Bhagyashri and Zubedabi who have been released on anticipatory bail vide order dated 15.3.2024 passed in ABA Nos. 3 of 2024 and other connected applications, were also the signatories to the such resolutions . Thus, taking into consideration the aforesaid factual aspects and by applying the principles of parity, I am inclined to protect the applicant lady who was also a nominal director, and is also alleged only of signing the resolutions granting loans. Hence, the following order :-

ORDER

[I] In the event of arrest of the applicant, in connection with Crime No.674 of 2023 registered with CIDCO police Station, District Aurangabad under Sections 406, 408, 409, 420, 465, 467, 468, 471, 120B r/w. 34 of IPC and under Sections 3 and 4 of the M.P.I.D. Act and under Sections 21 and 23 of the Banning of Unregulated Deposited Scheme Act, 2019 the applicant Manda Kailas Kakde be released on bail on furnishing PR Bond in the sum of Rs. 50,000/-, with one or more sureties in the like amount, on the following conditions :-

[i] The applicant shall attend the concerned police station and report to the Investigating Officer on 17th, 18th, 23rd, 24th February, 2026 and 2nd and 3rd March, 2026 between 11.00 a.m. to 1.00 p.m. and shall cooperate with the investigation and thereafter, as and when called by the Investigating Officer till filing of the supplementary charge sheet, if any, against the applicant.

[ii] The attendance of the applicant shall be treated as deemed custody under Section 23 of the BNSS.

[iii] The applicant shall not tamper with the prosecution evidence.

[iv] The applicant shall submit her Aadhar and Pan card to the Investigating Officer alongwith mobile numbers and

addresses of two of her near relatives and her current address.

[v] The applicant shall hand over her passport to the Investigating Officer and shall not leave the country without the leave of the trial court.

[MEHROZ K. PATHAN]
JUDGE.

grt/-