IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLN. NO. 144 OF 2026

DATTARAM BALA BAIKAR
VERSUS
STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Mr. Manish K. Mazgaonkar (VC) a/w Mr. Abhijeet Deasi
APP for Respondent-State : Mr. A. S. Shalgaonkar
Advocate for Original Informant (Intervenor) : Mr. Aditya Raktade a/w Mr. Sumit Vhanbatte

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CORAM : SACHIN S. DESHMUKH, J.
Date : 15th April, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 253 of 2025 registered with Khed Police Station, District Ratnagiri, for the offences punishable under Sections 406, 409, 420, 465, 467, 120(b) read with 34 of the Indian Penal Code alongwith Sections 3 and 4 of the Maharashtra Protection of Interests of Depositors Act.

2. The prosecution contends that fifteen additional individuals are implicated in this matter alongside the primary

accused. The initial complaint was lodged by Special Auditor Vinod Aaduskar following an investigation into the institution's financial dealings. According to the Audit Report, the duration of the alleged criminal activity spanned from 01.04.2023 to 23.02.2024. The case asserts that the Chairman, acting in concert with the other accused parties, orchestrated the printing of counterfeit deposit receipts under the name of the credit institution to aggressively solicit and incorporate new investors. These investors placed their funds with the institution based on the fraudulent representations made by the accused. However, the prosecution alleges that the accused colluded to misappropriate these funds for their own benefit rather than fulfilling their fiduciary duties, ultimately failing to provide any refunds or returns to the depositors.

3. As a result of these actions, an initial financial loss was documented. Furthermore, the prosecution claims the accused utilized the fake term deposit receipts to dupe depositors. Consequently, the total amount involved in the alleged fraud and misappropriation is calculated at Rs.4,22,81,021/-, leading to the filing of the FIR.

4. The learned counsel for applicant submits that the entire case is based on the documentary evidence. The

investigation is completed and charge-sheet is filed. As such, incarceration of the applicant is unjustified. The applicant is the old aged person. The other co-accused in the crime have been enlarged on bail. Thus, the applicant is entitled bail on the ground of parity. Hence, prayed to allow the application.

5. Per contra, the learned APP and the learned counsel for informant vehemently opposed the application submitting that the offence is serious in nature and the accused have misappropriated huge amount of informant as well as other depositors. The applicant has actively participated in commission of crime. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. Hence, prayed for rejection of the application.

6. Having heard the learned counsel for litigating sides and upon perusing the material on record, including the charge-sheet, it appears that the the prosecution has presented a prima facie case involving a deep-rooted conspiracy to defraud the public of a substantial sum totaling Rs.4,22,81,021/-. Economic offences of this magnitude are recognized as a class apart, as they directly impact the financial stability of society and erode public trust in credit institutions. Unlike traditional crimes, these offences involve calculated design and cold-blooded execution for personal gain at

the expense of innocent investors' life savings.

7. Prima facie, it appears that the applicant i.e. Chairman of the Society, is held responsible for conducting the business of the bank. As such, the applicant is responsible as contemplated in Section 3 of the MPID Act. The present applicant has proactively participated in the commission of offence, while siphoning the amounts deposited by the investors.

8. The essential ingredients of Section 409 of the IPC offence are threefold:

i) There must be entrustment of property or dominion over property by the accused;

ii) The accused must be acting in the capacity of a banker, merchant, broker, attorney, or agent; and

iii) There must be dishonest misappropriation or conversion of such property for his own use, or disposal of it in violation of the law or the contract governing such entrustment.

9. The record clearly indicates that the applicant did not merely mismanage funds but actively orchestrated the printing of counterfeit deposit receipts to solicit more investors. The Audit

Report covering the period from 01.04.2023 to 23.02.2024, *prima facie,* reveals a systematic misappropriation of Rs. 3,79,60,609/- and further duping of depositors for Rs. 43,20,412/- through fake term receipts. In matters involving large-scale public money and numerous victims, the Court must prioritize the larger interest of society over the individual liberty of the accused.

10. The Hon'ble Apex Court, in the case of **Y.S. Jagan Mohan Reddy Vs. CBI [(2013) 7 SCC 439]**, has held that economic offences involving deep-rooted conspiracies and the massive diversion of public money stand on a different footing. Such offences seriously affect the national economy and erode the trust of the common man in financial systems.

11. In view of the aforesaid circumstances and considering the material on record, the evidence prima facie establishes the entrustment of money, its dishonest misappropriation, and fraudulent intention on the part of the applicant. Therefore, I am of the considered opinion that the prosecution has made out a strong prima facie case for the commission of an offence under Section 409 of the Indian Penal Code which is punishable for 10 years or life, along with the fine.

12. So far as the ground of parity, it can be a significant factor for granting bail, even at this stage and despite the bail applications of co-accused being allowed, the Court must satisfy itself that sufficient grounds exist for the applicant's release. This determination must be based on a consideration of the materials placed, further developments in the investigation, and other relevant factors.

13. In the case of **Sagar vs. State of U.P. (2025 INSC 1370)**, the Hon’ble Apex Court held that the principle of parity cannot be applied mechanically or as an absolute right. The Court clarified that an accused is not entitled to bail simply because a co-accused has been released; rather, the Court must conduct a comparative analysis of the individual roles, the nature of the allegations, and the specific culpability of each person.

14. The submission of the learned counsel for applicant in relation to delay in trial, the same cannot be considered in isolation. As has been held by Hon’ble Apex Court in case of **State of Bihar Vs. Amit Kumar [(2017)13 SCC 751]**, the delay especially in cases involving serious offences, cannot by itself be a ground for bail.

15. In view of the aforesaid discussion, no case is made out to grant bail to the applicant.

16. Accordingly, the bail application stands **rejected**.

17. Resultantly, the pending criminal application also stands disposed of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi