

MHNS270028742023



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, YEOLA  
AT YEOLA DIST.NASHIK.  
Spl. Case No.64/2023.**

The State of Maharashtra ]  
Through- P.I. Yeola City Police Station, ]... Prosecution  
Tal. Yeola, Dist.Nashik.

V/s.

Digamber Vishwanath Wadhe. ] Applicant/  
] Accused

**Appearance :-**

**Ld. Adv. Shri. Javed S. Shaikh for the  
applicant/accused.**

**Shri. Ashik Meshram P.I. (I.O.) present.**

**ORDER BELOW EXH.3**

Applicant is seeking post-arrest bail u/s. 439 of Code of Criminal Procedure (for short Cr.P.C.).

2. Crime bearing C.R. No.302/2022 stood registered against the applicant and others u/s.406, 409, 420 r/w.34 of the Indian Penal Code (for short IPC) and under Section 3 and 4 of the Maharashtra Protection of Interest of Depositors Act, 1999 (for short MPID) with the respondent Yeola City Police Station with an allegations that the chairman, vice chairman, treasurer

and other office bearers and the applicant induced the public at large to deposit their amounts with Janta Nagari Sahkari Patsanstha Maryadit, Yeola and assured them that they will give higher interest to them. Further it is also an allegation that the applicant and the others despite the Janta Nagari Sahkari Patsanstha Maryadit, Yeola was not entitled to receive the deposits still by making false entries in the record collected huge amount and did not repay the same to the depositors and misappropriated the same amount for their own benefits.

3. Applicant is seeking bail on the grounds of false implication, innocence, applicant is old and is suffering from disease, there are dependents on him, no prima-facie case made out against the applicant, charge-sheet is filed, no purpose will be served in keeping the applicant behind the bar and applicant is ready to abide by the terms and conditions likely to be imposed by this Court. Therefore, prayed to allow the application.

4. Respondent has filed their say vide Exh.7 and strongly objected on the grounds that offence alleged is serious in nature. There is prima-facie involvement of the applicant in the said crime. The false entries are made by the applicant in collusion with the other accused persons, who are office bearers of Janta Nagari Sahkari Patsanstha Maryadit, Yeola. Some accused are yet to be arrested. Therefore, prayed to turn down the application.

5. Heard Ld. Advocate for the applicant. So also, heard the Investigating Officer in person, who is present in the court. Perused the entire charge-sheet.

6. Upon hearing and going through the material placed on record, what can be gathered is that, at the instance of auditor, the crime came to be registered with the respondent Yeola Police Station against the applicant and others with an allegation of inducing the public at large to deposit their amounts with them and they will give higher interest to them. It is further allegation that the applicant, who was Chairman of Janta Nagari Sahkari Patsanstha Maryadit, Yeola asked the office bearers and cashier to prepare false entries and shown to the auditor. The allegation is also that despite the Janta Nagari Sahkari Patsanstha Maryadit, Yeola was not required to accept the amount, still they accepted huge amount and misappropriated the same for their personal gains and cheated the public at large.

7. In the above backdrop, now let us consider the case in hand. After filing of the charge-sheet, present bail application came to be filed. If we read the FIR, one will find the name of the applicant in it. He came to be apprehended and in the interrogation, it seems that the role of applicant revealed to the I.O. The role of the applicant is that he being the Chairman, was actively involved in the day to day affairs of the said Janta Nagari Sahkari Patsanstha, Maryadit, Yeola. One cannot blame the other accused persons. Moreover, the applicant was Chairman of the Sanstha for considerable long time. Without the instructions of the Chairman and other office bearers of the Sanstha, the Cashier will not prepare false record. Therefore, there is a prima facie case against the applicant. The role of the applicant is very well spelt out by the I.O. in the charge-sheet. Offence alleged is serious in nature. Public money involved in the said matter. Mostly the middle class people are targeted to deposit the amount with the Sanstha by giving them offer of

higher interest rate. Therefore, this court finds that applicant is not entitled for bail.

8. As far as the aspect that the applicant himself had deposited more than 15 Lakhs with the Sanstha is concerned, this court finds that he might have deposited the amount with the Sanstha but at the same time, there is an allegation that the applicant and other accused had misappropriated public money for their own benefit to the tune of Rs.29 Crores and some odd amount. Therefore, the ground of depositing 15 Lakhs by the applicant with the sanstha does not appeal to this court. In the result, the application fails. Hence, order -

**ORDER**

- 1.** Bail Application Exh.3 stands rejected.
- 2.** Inform the said order to the I.O.

**Yeola.**  
**Date : 03.05.2023.**

**(M. H. Shaikh)**  
**Additional Sessions Judge**  
**Yeola.**