

MHNS270028742023



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, YEOLA AT
YEOLA DIST--NASHIK

SPECIAL CASE NO. 64/2023

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

**Prosecution/
State**

V/s.

Vishnu Devram Barhate

**Accused
No.3/Applicant**

Appearance :-

Ld. APP Smt. R.M.Kotwal, for the State.Prosecution

Ld. Adv.Shri.Jaykumar Khairnar for the Accused
No.3/Applicant.

Shri.Vinod P Tejale, API, EOW Branch Nashik.

Order Below Exh.10.

This is an application filed by accused No.3 Vishnu Devram Barhate under section 439 of the Cr.P.C. for grant of post-arrest

bail.

2. Crime Bearing No.I 302/2022 stood registered against the applicant/accused No.3 and other accused persons under section 406,409,420,120B r.w.34 of the Indian Penal Code(for short “*IPC*”) and under section 3 and 4 of Maharashtra Protection of Interest of Depositors Act. (For short “*MPID Act*”)

3. It is an allegations that applicant/accused No.3 being the Manager of Janata Nagari Sahakari Patsanstha Ltd., Yeola, Dist-Nashik committed irregularities and illegalities in collusion with the other accused persons. The applicant/accused No.1 showed false entries in the account statements and attracted the public at large to invest and deposit the amounts with them with higher interest of 11 to 13.5 %. The applicant/accused No.3 and other accused persons did not repay the amounts deposited by the depositors and cheated them and committed criminal breach of trust to the tune of Rs.29,02,46,415.31/-. Matter came to be reported to the police.

4. It is the case of applicant/accused No. 3 that he is seeking bail on the grounds of sale implication, innocence, no prima facie case against him, not an habitual offender, ready to abide by the terms and conditions likely to be imposed by the court, investigation is over and charge-sheet is filed and nothing is

recovered from the applicant/accused No.3. Therefore, prayed to allowed the application.

5. Prosecution filed their say vide Exh.12 and strongly objected on the grounds of seriousness of the offence, involvement of the applicant along with other accused persons in the crime, yet some accused persons are absconding. Therefore, prayed to reject the application.

6. heard, ld. Advocate for the applicant/accused No.3, Ld.APP for the prosecution/state and the Officer present before the court. Perused the entire charge-sheet.

7. Upon submission of the Duo advocates and the officer what can be gathered is that in the audit of the Patsanstha, it revealed that applicant being the manager of the said Patsanstha induced the investors of giving double the rates of interest on the deposits i.e. 11 to 13.5% and attracted the depositors who are general public belonging to middle class family. It is an allegations that there is criminal breach of trust to the tune of 29 Crores. It is argued that applicant/accused No.3 being the manager was having no role in the Management of the Patsansath and all the decisions were taken by the Chairman and the Directors. This argument of the Ld. Advocate does not appeal to this court because Manager is

supposed to be the key person in the Patsanstha. It was argued that from the applicant/accused No.3 nothing was recovered, however, that cannot be ground to grant bail to the applicant/accused No.3. Perusal of entire record reflects that there is an involvement of the applicant in the crime and there is a *prima facie* case against the applicant/accused No.3. Offence is serious in nature. Yet other accused persons who are absconding and are to be arrested. Therefore, this court finds that it will not be proper on the part of this court to invoke the discretion of granting bail in favour of applicant/accused No.3. In the result, the application fails. Hence, the order.

ORDER

1. Application at Exh.10 stands rejected.
2. Inform the order to the I.O.

Yeola (Nashik)
27.06.2023

(M. H. Shaikh)
Special Judge and Additional
Sessions Judge, Yeola