

MHNS270028742023



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, YEOLA AT
YEOLA DIST.NASHIK
SPECIAL CASE NO.64/2023

State of Maharashtra

Prosecution

V/s.

Prashant Anant Vadnere

Accused

No.4/Applicant

Appearance :-

Ld.Adv.Shri. Vaishampayan for the Applicant/Accused No.4.

Ld.APP Smt.A.R.Patil for the Prosecution.

Shri.Rahul Tasare, P. I.(EOW) Nashik Rural.

ORDER BELOW EXH.20

This is an application u/s.439 of the Criminal Procedure Code for grant of post-arrest bail.

2. Crime Bearing No.I 302/2022 stood registered against the applicant/accused No.4 and other accused persons under section 406,409,420,120B r.w.34 of the Indian Penal Code(for

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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.4 being the Cashier of Janata Nagari Sahakari Patsanstha Ltd., Yeola, Dist-Nashik committed irregularities and illegalities in collusion with the other accused persons. The accused persons 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.4 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.4 that he is seeking bail on the grounds that he is falsely implicated in this case. The main ground of the applicant/accused No.4 is that of his illness and the illness of his old age mother. He also claims to be 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.4. Therefore, prayed to allowed the application.

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5. Prosecution filed their say vide Exh.24 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. The applicant/accused No.4 can be treated at Civil Hospital, Nashik. If released on bail, wrong signal will go to the society. Therefore, prayed to reject the application.

6. Heard, Ld. Advocate for the applicant/accused No.4, Ld.APP for the prosecution/state and the I.O. present before the court. Perused the entire charge-sheet. So also the Medical papers filed along with list Exh.23 by the side of the applicant/accused No.4 of his mother.

7. Upon hearing the parties, this court asked the I.O. to inquire with the jail authority about the status of the health condition of the applicant/accused No.4. Accordingly, the I.O. inquired with the Jail Authority and submitted the report of Chief Medical Officer of Nashik Road Central Jail dated 1st August, 2023 addressed to the I.O.

8. The First bail application was rejected by this court of the applicant/accused No.4 on merits holding that applicant/accused No.4 being the cashier is equally responsible for

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the alleged offence along with other accused persons. This application is filed on the grounds of medical of the applicant/accused No.4 and his old aged mother. If we perused the report of the Chief Medical Officer of Nashik Road Central Jail addressed to the I.O., it is opined by the Chief Medical Officer that the applicant/accused No.4 is suffering from, "Diabetes Mellitus With Hypertension and Diabetes Neuropathy With Hypertension". He further opined that the applicant/accused No.4 was admitted in Civil Hospital from 30-05-2023 to 5-6-2023 and from 11-07-2023 to 24-07-2023. He further opined that regular follow up is required and as per the advice of Doctors of Civil Hospital, Nashik, the applicant/accused No.4 is being treated. He further opined that the applicant/accused No.4 is "Haemodynamically Unstable".

9. From the above report, what can be gathered is that the applicant/accused No.4 is suffering from the above disease for about 10 years. The photographs filed on record on the side of the applicant/accused No.4 reflects that he was admitted in the civil hospital and his treatment is going on. Further we are having documents filed along with list Exh.23, which are of medical papers of the mother of the applicant/accused No.4. Therefore, what can be gathered is that the applicant/accused No.4 is suffering from the above disease and require regular follow up which is not available in the jail.

10. Now, coming to the role of the applicant/accused No.4 He was the cashier of the Patsanstha. The allegations are that he also induced the public at large to invest in the Patsanstha and assured them the higher interest. No name is there in the FIR of the applicant/accused No.4. Charge-sheet is filed. Investigation is over. Nothing is seized from the applicant/accused No.4. It is not the allegations of the prosecution that from the misappropriated money, the applicant/accused No.4 had purchased the properties in his name or in the names of his relatives and those properties are attached.

11. Therefore, considering the grounds of medical, this court finds that as the applicant/accused No.4 requires regular follow up which can be possible if he is released on bail. Moreover the applicant/accused No.4 is permanent resident of Yeola and considering the fact that nothing is recovered during investigation from his possession or nothing is found that he has purchased the property. Therefore, this court finds that on the ground of medical of applicant/accused No.4, this court is inclined to grant him bail on certain conditions. In the result, the following order :

ORDER

1. Bail Application below Exh.20 is allowed.

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2. Applicant/accused No.4 **Prashant Anand Vadnere**, be released on bail on his executing a personal bond of Rs.60,000/- with two sureties of Rs.30,000/- each in connection with C.R. No.302/2023 u/s. 406,409,420,120B r.w.34 of the IPC and under section 3 and 4 of M.P.I.D. Act. registered with the Yeola Taluka Police Station.
3. Applicant not to repeat the similar offence in future.
4. Applicant not to threaten and presurise the complainant and the witness and tamper with the evidence.
5. Applicant to attend the Court dates regularly unless exempted.
6. In the above terms, the Criminal Bail Application No.96/2023 stands disposed of accordingly.

Yeola(Nashik)
02.08.2023

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