


MHNS270028742023 	IN THE COURT OF THE SPECIAL JUDGE, <u>YEOLA</u> , DIST-NASHIK.
	(Presided over by M. H. SHAIKH)
	<u>SPECIAL CASE NO. 64/2023</u>

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

Prosecution

V/s.

Digamber Vishwanath Wade.

Accused No.1.

Appearance :-

Ld. APP Shri.S.D.Sonawane for the Prosecution.

Ld. Adv. Shri. Javed S. Shaikh for the accused No.1.

Shri. Rahul Tasare P.I. (I.O.) EOW Branch, Nashik present.

ORDER BELOW EXH.36

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 Yeola City Police Station with an allegations that the chairman, vice chairman, treasurer and other office bearers 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 accused No.1 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 said amount for their own benefits.

3. Accused is seeking bail on the grounds of illness. It is further contended that the accused No.1 is permanent resident of the address given in the title clause and he is having movable and immovable properties at Yeola. Accused No.1 is 84 years of age and there are deposits of accused No.1 and his family members with the said patsanstha to the tune of Rs.40,76,000/-. Accused No.1 was admitted in the hospital during the police custody and thereafter from 7-8-2023 to 14-08-2023. Accused No.4 is released on bail on the ground of medical, therefore, the accused No.1 also be released on bail.

4. Prosecution filed their say vide Exh.43 and strongly objected on the grounds that offence alleged is serious in nature. There is prima-facie involvement of the accused No.1 in the said crime. The false entries are made by the accused No.1 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. Accused No.1 is discharged from the hospital. Therefore, prayed to turn down the application.

5. Heard Ld. Advocate for the accused No.1 and the Ld. APP

for the Prosecution. 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, the previous bail applications of the accused No.1 came to be rejected by this court on merits. At the instance of accused No.1, the report of the Superintendent of Jail was called as regards the health of accused No.1. The Medical report of accused No.1 is filed on record by the Jail Authority, which is marked at Exh.41. Perusal of Exh.41 reflects that the accused No.1 complained of chest pain, sweating, heart burn, Nausea, memory on/off, constipation, senial disorder, blurring vision, joint pain, body ache, bleeding piles and generalized weakness. The report suggests that the accused No.1 was examined clinically for hypertension and heart disease and was admitted in the Civil Hospital from 7-08-2023 to 14-08-2023 and was diagnosed for the disease and now accused No.1 is taking treatment as an outdoor patient as prescribed by the Specialist Doctor of Civil Hospital, Nashik. The Medical advice given by the Doctor to accused No.1 is that he requires regular cardiologists follow up.

7. Considering the Medical report at Exh.41, what can be gathered is that because of the advanced age of the accused No.1, he is suffering from heart disease and other diseases. He was admitted and was discharged. Now, he is an outdoor patient. He is being prescribed the medicine by the Doctor. Because of the old age, the accused No.1 is

physically unstable and depends on others for daily routine work is opined by the Chief Medical Officer of the Nashik Road Central Prison. Therefore, this court finds that the accused No.1 is being treated by the Civil Hospital and is discharged. The ground mentioned in the application that the accused No.1 is serious is not proper. The general examination result is normal. Accused No.1 is treated as outdoor patient under the guidance of Specialist Doctor of Civil Hospital. Therefore, this cannot be a ground to enlarge the accused No.1 on bail.

8. As far as the contention that accused No.4 was released on bail on the ground of medical is concerned, he was admitted in the hospital and was suffering from serious illness i.e. "Diabetes Mellitus With Hypertension and Diabetes Neuropathy With Hypertension". Moreover, the role of accused No.4 was of the cashier whereas accused No.1 was the Chairman of the Patsanstha. One will find the name of the accused No.1 in the FIR whereas there is no name of accused No.4 in the FIR. The case of the accused No.4 cannot be equated with the case of accused No.1. Therefore, this court finds that the accused No.1 is not entitled for the bail on the medical ground. Hence, the order -

ORDER

1. Bail Application Exh.36 stands rejected.
2. Inform the said order to the I.O.

Yeola(Nashik)
11.09.2023.

(M. H. Shaikh)
Special Judge, Yeola.