

: ORDER BELOW EXH.4 IN SPECIAL CASE NO.45/2024 :
(CNR No. MHRG15-000558-2024)
(Passed on 01.10.2024)

- 1) The present application is filed by applicant under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for regular bail in respect of C.R.No.21/2022, registered with Roha police station, for the offence punishable under sections 420, 406, 409, 120-B r/w. section 34 of Indian Penal Code and section 3 & 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.
- 2) The applicant contended that he is permanently residing at the address mentioned in the cause title of application. He is a retired Navy Officer. He is not keeping proper health. He does not have any criminal antecedents.
- 3) He further contended that on 21.02.2022 one Rajesh Nagesh Katkar, lodged report alleging therein that the applicant runs a company by name Vignaharta Civil Constructions Pvt. Ltd. The informant was working with him. The applicant told him to collect the amount as deposits from general public. Accordingly, he had collected the amount, as well as invested his own amount with the applicant. It is further alleged that the applicant has not paid the deposit amount taken from the investors.
- 4) The applicant contended that the report lodged against him is false. He has not cheated anyone. He has paid the amount of informant to him. The Investigating Officer has completed the

investigation and has filed charge-sheet against him. Therefore, nothing is to be recovered or discovered at his instance and prayed that he may be released on regular bail.

5) Ld. A.P.P. filed his say at Exh.5. He contended that the offence is serious in nature. The applicant has taken an amount of Rs.97,25,530/- from total 438 investors. More investors are coming forward to give their statements. Therefore if the applicant is released on bail, then there are chances that the applicant may pressurize the investors and witnesses and tamper the evidence of prosecution. He prayed that the application be rejected.

6) Heard Ld. advocates appearing for parties.

7) On perusal of material available on record, it appears that the informant had lodged report against the applicant. The contents of the report shows that the informant himself was working with the applicant. The informant on the say of applicant has collected the amount from investors. There are about 438 investors. As of today, it had revealed that an amount of Rs.97,25, 530/- has been taken by the applicant from the investors. The applicant claims that he has paid the amount of informant.

8) The material further shows that the Investigating Officer has completed the investigation and filed charge-sheet against the applicant. The material available on record shows that nothing is to be recovered or discovered at the instance of applicant. The applicant

is above the age of 63 years. There is nothing to indicate that the applicant will avoid attending the trial. Therefore, taking into consideration all the above facts, in my opinion, the applicant/accused can be released on regular bail by imposing appropriate conditions for his appearance at trial. Hence, I proceed to pass following order :-

: O R D E R :

- 1) The application is allowed.
- 2) The applicant/accused **Yogendra Hajari Pande** be released on regular bail in **Crime No.21/2022** registered at Roha Police Station, for the offence punishable under sections 406, 409, 420, 120-B of Indian Penal Code and section 3 & 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999, on his executing P.B. of **Rs.1,00,000/-** (Rs. One lakh only), with one solvent surety in like amount.
- 3) The applicant shall not pressurize the witnesses or tamper the evidence of prosecution.
- 4) The applicant shall report concerned Investigating Officer once in a month i.e. on 2nd Thursday of every month (between 10.00 a.m. to 1.00 p.m.) till conclusion of trial.
- 5) The applicant shall furnish his contact number and residential

address to Investigating Officer and shall keep it update, in case if there is any change.

- 6) The applicant shall not leave jurisdiction of Thane District, without prior permission of Court.
- 7) The applicant shall deposit his Passport in the Court.
- 8) The applicant shall file his affidavit disclosing his movable and immovable properties including the properties, if any within 15 days from his release.
- 9) The applicant shall file an undertaking that he shall not disposed off his movable & immovable properties, held, owned or possessed by him, till conclusion of trial.
- 10) The applicant while on bail, will not indulged into similar offence or into any other offence and in case found, the bail granted to him shall stands cancelled.
- 11) Violation of any condition will entail for cancellation of bail.

(Dictated and pronounced in open Court)

Mangaon.
Date : 01.10.2024.

(H. K. Bhalerao)
Special Judge, Mangaon
Dist. Raigad