

MHRG170130602019



**IN THE COURT OF DISTRICT JUDGE-1 & ADDITIONAL
SESSIONS JUDGE, PANVEL RAIGAD**
ORDER BELOW EXHIBIT 17 IN SPECIAL MPID CASE NO. 557/2019
(Dated 11/04/2023)

1] The applicant/accused Sunita Narayan Lonare is seeking bail as per section 439 of Cr.P.C. in C.R.No.36/2005 registered with Rasayani police station, for the offences p/u/section 406, 420, 120 (B) of IPC and under section 3 of Maharashtra Protection of Investors and Depositors Act, 1999.

2] It is submitted that, the applicant/accused is in custody since 20/01/2021. She is unnecessarily implicated in the crime. It is submitted that applicant was performing her duty in Adhunik Bhuvikas Vittiya Corporation Ltd.Nagpur as a clerk and has no concern with the financial transaction of the company. In her lengthy bail application, she has narrated the facts of the FIR, the history of the financial transactions etc. In the application the various duties and role of deputy manager, director, resolutions passed by Board of Directors, are mentioned. The important aspect is that applicant has filed writ petition for quashing FIR and same is sub-judice before Hon'ble Bombay High Court. Further the applicant has filed various documents on which bail is sought.

3] Investigation agency opposes bail by say at Exh.18. According to investigation agency the said non-financial company had received deposits of Rs.34,15,013/- from 797 depositors. The depositors are not repaid with their money after the period of maturity. With regard to present applicant/ accused, prosecution submits that there are 23 crimes registered against present applicant/accused of misappropriated amount of Rs.11,17,11,891/-. It is submitted that present applicant/accused was absconding and proclamation under section 82 of Cr.P.C. was issued against her. Thereafter she was arrested.

4] Ld.Adv.for the applicant/accused has filed written notes of arguments. Ld.Adv.for the applicant has filed on record copy of application in company petition bearing No.1087/2023, filed before Hon'ble High Court. The copy of bail order of Additional Sessions Judge, Chiplun in Spl.Case No.16/2020 is filed on record.

5] At the outset it be noted that as bail order of the Additional Sessions Judge, Chiplun is not precedent, for what purpose bail order of Additional Sessions Judge, Chiplun is placed on record, is no where explained.

6] At the out set it be noted that as per provisions of MPID Act, every person including office bearers, directors, employees of the financial institute, are equally liable for punishment.

7] The nature and gravity of alleged offence and the conduct and behaviour of the accused, are the aspects to be considered while deciding bail application. It is matter of record that, various financial crimes are registered against applicant. Though she is not connected, facts remains that number of crimes are pending against her and this reflects her conduct. Applicant/accused has already preferred petition for quashing FIR before Hon'ble High Court. Considering all these aspects, I find no justification to enlarge applicant/accused on bail. Hence, following order.

ORDER

1. The application Exh.17 is rejected.
2. Inform concerned police station.
3. Copy of order be sent to Aadharwadi Prison by E-mail.

Panvel
Date :- 11/04/2023.

(Jairaj D.Wadne)
Additional Sessions Judge,
Panvel-Raigad

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the stenographer : S.J.Sheth
Name of the Court : Additional Sessions Judge,
Panvel Raigad
Date of dictation : 11/04/2023
Dictation transcribed on : 13/04/2023
Order signed by the P.O.on : 13/04/2023
Order uploaded on : 13/04/2023