

The State of Maharashtra

Vs.

Shivaji Jadhav etc. 5

[Sadar Bazar Police Station, Solapur
C.R. No. 589/2024]

Order Below Exh.40

This is an application by accused Sunita Shivaji Jadhav seeking regular bail in connection with the offence punishable under Sections 316(2), 318(3), 318(4), 61(2),(3), 316(5), 238 of B.N.S. and Section 3 of the Maharashtra Protection Of Interest of Depositors Act, 1999 registered with Sadar Bazar Police Station, Solapur, vide C.R. No. 589/2024, under Section 483 of B.N.S.S.

02. The application in a nutshell is that :-

The applicant is a lady aged 55 years and she has been falsely implicated in the case. It is contended that the FIR was lodged to the effect that, Sant Sevalal Nidhi Limited accepted the deposit of Rs. 50,000/- and it was agreed to pay interest at the rate of 1 % p.m. However, the said promise was not fulfilled by the directors of the company and thereby the informant has been deceived.

03 It has been further contended that, she is having the responsibility to maintain her mother-in-law aged 80 years, is

suffering from various ailments. In addition thereto, accused herself is patient of Asthama, B.P and Sugar.

04. Most importantly, it is contended by the applicant that, she has been languishing in jail since last more than one year with no progress in the trial. Further more, even though the charge has been framed. The prosecution is yet to proceed with the case . Hence, the application.

05. The application has been resisted vide say Exh.41. It is contended that, though the FIR was for the alleged duping of Rs. 50,000/-, it has led to the unearthing the deceiving worth Rs. 3,62,07,855/-. Hence, the rejection of the application has been sought.

06. Heard the learned advocate Shri Thobde for the applicant at length and learned APP Smt. Doke. The points which falls for my determination are:-

	<u>POINTS</u>	<u>FINDINGS</u>
1	Whether the accused is entitled to seek regular bail on parity ?	In the affirmative.
2	What order ?	As per final order

-:: REASONS ::-

As to point No. 1 & 2 :-

07. The learned advocate for the accused emphasized on the fact that the punishment prescribed for the offence under Section 4 of MPID Act may extend to six years and the punishment prescribed for the offence under Section 316(2) (3) is five years and seven years respectively. Accordingly, none of the punishment extends to death or imprisonment for life. As such being a lady, the accused seeks to rely upon the exception carved out under Section 480 of the B.N.S.S.

08. Perused the said Section 480. The perusal of Section 480 points out to the fact that the exception is being carved in respect of woman. Most importantly the accused has 80 years mother in law to maintain. Further more she herself is the patient of asthma B.P etc and aged 55 years.

09. The learned APP strongly contended that, the bail applications of the co-accused I.e husband of the accused have been consistently rejected by this Court only and the deviation from the stand earlier taken amounts to review of its own order. However, the learned advocate for the accused contended that, the accused

has been languishing in jail for a period more than 365 days. As such the liberty of the accused who is lady deserves to be protected.

10. If we peruse the bank statements produced on record, it emerges that the same is in the joint name of accused and co-accused. On that basis, it has been contended by the learned APP that the application deserves to be rejected. However if the said documentary evidence is the basis to draw the conclusion about the guilt of accused, there is no necessity for trial also. As has been noted earlier the maximum punishment prescribed is seven years. Out of same, the accused has gone imprisonment for one year with no progress in the trial.

11. Much is tried to be canvassed on behalf of learned APP on money transaction. It needs to be noted that the accused has been arrested on 3.10.2024. Since then, she is behind bars and the sufficient time has been availed by the prosecution to investigate into the role of the present accused. As such the accused deserves to be regarded as being in long incarceration.

12. However, on this aspect, the recent judgment of the Hon'ble Apex Court in *Kapil Wadhwan Vs Central Bureau of Investigation*, 2025, INSC, 1440 needs to be considered. It is held in

para 24 of the judgment as under :-

“Coming back to the fact of the case, it is clear that, appellant was made accused on account of non payment of loan and credit facility availed from a consortium of 17 banks and divesting of money in 81 shell companies. Admittedly this is a case based on documentary evidence and all the accused persons connected with these companies except the appellants herein have been granted bail.”

In the light of the same, the Hon'ble Apex Court after taking into consideration the fact that the amount involved was Rs. 34,000/- Crore and in all 11 cases have been registered against appellant therein was pleased to grant bail to the accused. The additional factor taken into consideration therein was the charge-sheet filed by the CBI is voluminous in nature.

13. If we co-relate the facts with the facts in hand, the volume of the amount involved is much lesser. However, even in the present the total number of witness cited is 109. Similarly, the documents relied are voluminous. As such even if the trial is commenced, it will take atleast 1 – 2 years to complete. Accordingly, the facts are identical in the facts in the hand.

14. The learned advocate for the accused contended that, this Court in Special Case No. 358 of 2024 vide its order below Exh. 17-A has considered all the objections of the prosecution and has

granted bail to the co-accused. Accordingly, on the basis of the factual basis being similar and even the present accused is a lady, on parity, the accused deserves to be released on bail.

15. Considering all these aspects, I hold that, this is a fit case wherein on the point of long incarceration of a lady having the responsibility of maintaining mother-in-law, the accused deserves to be released on bail. Hence, the point No. 1 is answered in the affirmative. In answer to point No.2, following order is passed :-

ORDER

01. The Cri. Bail Appln. Exh. 40 in Special Case No. 358 of 2024, is allowed.
02. The applicant be released on her executing Personal bond with solvent surety of Rs.1,00,000/-.
03. The applicant shall not leave the jurisdiction of this Court without obtaining prior permission and giving her detailed address, prior to leaving the jurisdiction.

04. The applicant shall not tamper with the prosecution evidence.
05. The violation of aforesaid terms and conditions of bail order shall amount to cancellation of bail.
06. Order accordingly.

Date : 17.12.2025

(Yogesh A. Rane)
Addl. Sessions Judge,
Solapur.

CERTIFICATE

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Stenographer - Rajkumar Sambhaji Sanmukhrao

Court - Addl. Sessions Judge, Solapur.

Date of order / Judgment - 17.12.2025

Date of order/Judgment signed by presiding officer - 17.12.2025

Judgment/Order uploaded on - 18.12.2025