

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,  
WASHIM, TQ.DIST. WASHIM.**

Special ACB Case No.35/2022.  
State +1 Vrs. Ashok and others  
Crime No.389/2020, P.S. Risod.  
CNR No.MHWS01-000846-2022

**ORDER BELOW EXHIBIT 46.**

(Passed on 21.07.2022)

This is an application filed by applicants/accused Santosh Uddhav Gandule (Helaskar) and Dhananjay Manohar Halge for grant of regular bail under section 439 of the Code of Criminal Procedure in Crime No.389/2020 of Risod police station for the offence punishable under Sections 406, 420, 408 read with Section 34 of the Indian Penal Code. Later on Section 468 and 471 of the IPC came to be added and again for the offence punishable under Section 13(1)(a)(b), 13(2) of Prevention of Corruption Act were added.

2] The prosecution case in Crime No.389/2020 may be summarized as under -

On 02/02/2020 complainant lodged a report at police station Risod alleging that on 07/07/2019 in the morning at 5.00 a.m., Ashok Gandole along with his associates had been to the office of the Sansthan at Washim. It was alleged that there they took cash of Rs. 7 corers and documents. It is alleged that there is a misappropriation of Rs.18,18,40,867/- done by the accused persons.

3] It is further alleged that non-applicant Nos. 1 to 4

have committed fraud and for that complainant formed a committee and said committee asked Ashok Gandole about the account of said amount. He told that whatever amount he has taken, he has given it to Upendra Mule. He has also stated that on the say of Upendra Mule, he has given cheque of Rs.3,70,00,000/- dated 31/01/2020 of D.C.B. Bank to committee and remaining amount will be paid in cash. It is also alleged that accused Upendra and others gave threats that if any complaint is lodged at police station, they will file false case against them. On the basis of above complaint, PSO registered the Crime No.389/2020 on 12/05/2020.

4] According to learned advocate Shri More appearing for the applicant, complainant alleged in her report that accused No.1 Ashok Gandule has conspired and misappropriated funds of her institute. However, present applicants/ accused are not directly or indirectly involved in the matter. Dhananjay Halge was not even mentioned as accused in the FIR.

5] He further submitted that complainant has filed complaint against Ashok Gandule and his relatives and accordingly, investigating agency have made all of them accused in Crime No.389 of 2020. Ashok Gandule was trusted man of complainant and he was working with father of complainant also. All the transactions were done by him on the say of complainant and all his relatives were made nominal trustees on various trusts. So whatever amount he

has withdrawn from the trust account, he has given it to complainant or C.A. Upendra Mule and whatever properties stand in the name of he and his family members, they have earned it as they were working in the trust and they were getting salary.

6] According to learned advocate, in order to invest the money, which complainant was getting, she has formed various trusts and Ashok being her trusted person, he was shown as a member of said trust and along with him, his family members were also shown. In the year 2003, General Power of Attorney was executed at the office of Sub-Registrar, Risod giving authority to the Ashok, to operate all the accounts. Ashok was working with the complainant till 28/09/2019 when Agreement of Closure was executed between complainant and Ashok. It is his submission that on all the resolutions, nominal signatures of family members of Ashok were taken at their house. But in fact, all the decisions were taken by the complainant. According to learned advocate Balaji Sahakari Particle Board was formed on 30/07/1992 and said factory was liquidated in the year 2007. Said factory was purchased by the complainant by paying Rs.25 lacs cash and by giving bogus bank guarantee of 7,09,90,000/- (Rs. Seven Crore Nine Lacs Ninety Thousands only) of a bank of which complainant was chairman. C.A., Upendra Muley was looking after audit of all the trusts and on the say of said

Upendra Mule, transactions were made on his personal account. Thereafter, complainant decided to convert Mahila Utkarsha Pratisthan into a company and to which present applicant and his relatives refused to give consent. So, in order to bring pressure upon them, various cases at Risod police station were filed.

7] Learned advocate further submitted that accused Upendra Mule has filed complaint before the Enforcement Directorate, Mumbai, and E.D. has started investigation and in the present crime, Investigating Officer is also investigating. So, it is his submission that said crime cannot be investigated by different Investigating Agency, therefore, investigation by S.D.P.O., Mangrulpir is illegal. According to him, on perusal of the record, FIR, it is clear that there are no specific allegations against applicants. Name of Dhananjay is even not mentioned in FIR. Applicants have been dragged into the crime without any reason. Hence, prayed for grant of regular bail.

8] Learned APP filed say at Exh.60. According to him, accused Ashok Gandule was working with the father of complainant. He was looking after affairs of all the Trust. On 09/07/2019, Devgire one of the Director was intercepted at Jalna and gold of Rs.48,00,000/- and cash of Rs.15,00,000/- was seized from him. Then, complainant took further information and in that information, she got the information about 07/07/2019. There are eye witnesses to the incident dated 07/07/2019. Their statements are also recorded.

9] According to learned advocate, complainant formed a committee for internal audit and thereafter, present report came to be lodged. Period of investigation of E.D. and present crime is different. Accused misappropriated public money. Accused were absconding, if released, certainly will create obstruction in investigation. Other accused are yet to be arrested. Books of accounts are yet to be recovered. Main accused are absconding. Accused purchased huge property from the money. All accused are relatives of each other.

10] According to him, Santosh is the nephew of Ashok. Amount of Rs.5,000/- was transferred on 22.08.2008. He is the member of Mahila Utkarsha Pratisthan.

11] Dhananjay is the niece of Ashok. He is not the member. Even on 19.12.2005, Rs.8,500/- and on 07.08.2010 Rs.5,000/- were transferred. Hence, prayed for rejection of application.

12] I heard learned Advocate Shri Undal appearing for the complainant. He submitted that it is not necessary that every details of fraud is to be given in the FIR. As various Trust received the amount from the government and there was a misappropriation, so report was lodged. Hence, prayed for rejection of bail application.

13] While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support

thereof, the severity of the punishment which conviction will entail the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with the larger interests of the public/State and other similar considerations.

14] In the present case, allegations against the applicants are that amount of Rs.5,000/- has transferred on 22.08.2008 from the account of Mahila Utkarsha Pratisthan and Rs.13,500/- to Dhananjay's account. It is also alleged that he has acquired the property of Rs.8,80,000/-. Applicant Dhananjay has purchased the house in the year 2010. Present accused are the relatives of wife of Ashok and as Ashok was not traced out, according to learned advocate of applicant, present accused were arrested. Except above mentioned transactions, there are no alleged transactions against the present applicants. In the present case, IO has filed the charge-sheet. Present applicants are in jail since 23.03.2022. No doubt, accused are arrested in respect of economic offence, but considering their role and the fact that trial will take a long time, no purpose will be served by keeping them behind the bar.

15] In the present case, on earlier occasion this Court has rejected bail application as investigation was in progress. Now, charge-sheet is filed. In this case, Court is deciding the bail application on the basis of role played by individual

accused and applying same yard stick Court has even granted anticipatory bail to some other accused persons. There are many accused persons in this case. In economic offence, case of each accused is required to be decided on the basis of role played by him; amount received by him; property acquired by him and whether his detention is necessary for the further investigation or not. Considering all these facts, case of present applicant is certainly different from the case of other accused persons. Moreover, in the present case, there is no allegation of prosecution that applicants withdrew a huge amount from the various trust's account and utilized the same amount for their own benefit. So, application deserves to be allowed. However, at the same time, certain restrictions are necessary to be imposed upon them in order to protect the interest of prosecution. So, I proceed to pass following order.

**ORDER**

- 1] Application (Exh.46) is allowed.
- 2] Applicant No.1 Santosh Uddhav Gandule (Helaskar), age 34 years, R/o Yewta, Tq.Risod, Dist. Washim and applicant No.2 Dhananjay Manohar Halge, age 41 years, R/o Sundarwatika, Tq.Dist. Washim shall be released on bail, on their executing P.R. bond of Rs.50,000/-[Rupees Fifty Thousands only] each with one or two solvent sureties of the like amount in Crime No.389/2020 of Risod police station for the offence

punishable under Sections 406, 420, 408, 468, 471 read with Section 34 of the Indian Penal Code read with Sections 13(1)(a)(b), 13(2) of Prevention of Corruption Act, subject to following conditions :

- i) Applicants shall remain present before the Investigating Officer as and when required.
- ii) Applicants shall not leave the jurisdiction of this Court without prior permission.
- iii) Applicants shall keep the IO inform in respect of their current address, mobile contact number and change of residence or mobile, in case if any from time to time.
- iv) Applicants shall not tamper with prosecution witnesses.

3] Humdast allowed.

Date: 21.07.2022.

( H. M. Deshpande)  
Additional Sessions Judge,  
Washim.

**CERTIFICATE**

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

Name of Stenographer :- R.R.Bharad, Stenographer (Grade-I)  
Name of Court :- Shri H.M.Deshpande,  
District Judge-1 and Additional  
Sessions Judge, Washim, Tq. Dist.  
Washim.  
Date of Judgment/ Order :- 21/07/2022  
Judgment/Order signed by :- 210/07/2022  
the Presiding Officer on  
Judgment/Order uploaded on :- 21/07/2022