

nsd.

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

ANTICIPATORY BAIL APPLICATION NO.1311 OF 2015

Ravikiran Raghunath Kamble and Anr. ... Applicants
Vs
The State of Maharashtra ... Respondent

Mr.S.S.Koregave, for the Applicants.

Ms.Veera Shinde, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 03rd SEPTEMBER, 2015

P.C. :

1. Heard learned counsel for the Applicants and learned APP for the Respondent - State.
2. By this Application, the Applicants seek pre-arrest bail, in connection with C.R. No.170 of 2015, registered with the Peth Vadgaon Police Station, Kolhapur, for the alleged offences punishable under Section 420 r/w 34 of the Indian Penal Code.
3. The present two applicants are the sons of one Sujata Kamble who is

alleged to be the principal accused in the said case. According to the complainant - Nandini Sanjay Kamble on 3rd July, 2015, Sujata Kamble had contacted her stating that she would get loan approved for ladies. It is alleged by the complainant that Sujata Kamble took the initiative and formed various groups of women and got loan approved for as many as 113 women. It is alleged that Sujata Kamble assured that she will deposit their installments. Pursuant to the same, several women made payments to said Sujata Kamble on the assurance that she will deposit the amounts in their respective loan accounts. It appears that the loan amounts were not deposited by Sujata Kamble in the respective loan accounts of the women but had used the same for her personal benefits along with the applicants. According to the prosecution, Sujata Kamble, present applicants and the other co-accused have duped 113 persons for Rs.35 lacs.

4. Learned Counsel for the Applicants seek bail on the ground of parity. He submitted that the principal accused is Sujata Kamble who had allegedly made the representations and taken money from various persons. He submitted that the present applicants are not the recipients of the money and that they have been implicated only because they are related to Sujata

Kamble, who is their mother. He also submitted that the applicants are entitled to bail on the ground of parity inasmuch as, the sister of the applicants and their brother in law have been granted pre-arrest bail by this Court vide order dated 17th July, 2015.

5. Learned APP submitted that several people were cheated by Sujata Kamble and the co-accused, who are the family members. She submitted that the people who were cheated were poor persons i.e. labourers, who wanted to utilize the loan amounts for buying cattles and other agricultural equipments.

6. Perused the papers and the order dated 17th July, 2015 passed by this Court (Coram : Mrs.Mridula Bhatkar,J) on which parity is sought. Prima-facie it appears that the principal accused is Sujata Kamble and it was Sujata Kamble who cheated the 113 persons for an amount of Rs.35 lacs. It also appears it was Sujata Kamble had assured the women that she would deposit the loan amounts in their respective accounts.

7. Considering the allegations as against the applicants and the fact that

co-accused – Atul Kamble and Rachana Kamble, who are similarly placed as the present applicants have been granted pre-arrest bail, the applicants are granted anticipatory bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicants be enlarged on bail on furnishing P.R.Bond in the sum of Rs.20,000/- each with one or two sureties in the like amount ;
 - ii) The Applicants shall produce their bank statements, bank accounts and all details of their property to the Investigating Officer, who has seized of the case ;
 - iii) The Applicants shall attend the Peth Vadgaon Police Station, Kolhapur, on every Tuesday, between 11.00 a.m. to 1.00 p.m., till the filing of the charge sheet ;
 - iv) The Applicants shall not tamper or attempt to influence the complainant or any persons concerned with the case ;
 - v) The Applicants shall co-operate in the conduct of the trial.
8. The Application is allowed and disposed of in above terms.

9. It is made clear, that the observations made herein are prima facie and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
10. Parties to act upon the authenticated copy of this order.

REVATI MOHITE DERE, J.