

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 229 OF 2015

Mr. Mohd. Iqbal s/o Mohd. Ismail ... Applicant
vs.
The State of Maharashtra ... Respondents

Mr. Ashok Mundargi, Senior Counsel a/w Mr. Abhishek Yende, Advocate for the applicant

Mr. Pradip Gharat Special Prosecutor, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 27th February, 2015.

P.C.

Heard the respective counsel. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 17.11.2014 in Crime No.34 of 2011 registered at Pen Police Station, Raigad, for the offences punishable under Sections 418, 420, 467, 468, 471, 477, 409, 163, 120B read with Section 34 of IPC, Section 3 of MPID and Section 147 of Maharashtra Co-operative Societies Act and Sections 65 and 66 of Information Technology Act. The investigation is completed and charge sheet is filed. It is a matter on record that in Crime No.34 of 2011, 46 persons are accused and they are all enlarged on bail.

2. The learned Senior Counsel at the threshold claims parity with the other accused who are actually involved in misappropriation of funds of Pen Co-op. Bank. The learned Special Prosecutor submits that in the present case, the

applicant herein had initially misled the investigating agency by submitting that the amount of Rs.60 lakhs is hard-earned money. That the applicant had also submitted before the I.O. that he has got no concern with Abdul Bari Khan who was Inspector appointed by the R.B.I. to conduct the audit of Pen Co-op. Bank. It was only in the course of investigation, it had transpired that the present applicant happens to be the brother-in-law of Abdul Bari Khan and that he had received Rs.60 lakhs from Abdul Bari Khan.

3. It is the case of the prosecution that the applicant herein has misled the investigating agency. All the offences are triable by the Magistrate. The learned Special Prosecutor submits that the accused are also being prosecuted under the provisions of MPID Act. However, the application of MPID Act is a subject matter of challenge pending before the Hon'ble Division Bench of this Court. Be that as it may, the case rests on documentary evidence. The investigation is completed and charge sheet is filed. The applicant has been in jail for more than three months and hence he is entitled to grant of bail.

ORDER

(i) The application is allowed. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

ii) The applicant be enlarged on cash bail for a period of four weeks within which time he shall furnish surety in the like amount.

(iii) The applicant shall co-operate with the investigating agency as and when called.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)