IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.288 OF 2015

Uttam Ramchandra Chavan .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.Niranjan Mundargi i/b Mr.Laxman R. Shahapur, Advocate for the applicant.
Mr.P.D. Gharat, Special P.P for the Respondent State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 25th MARCH, 2015

P.C. :

1 Heard Mr.Niranjan Mundargi, learned counsel for the applicant. Heard Mr.P.D. Gharat, learned Special P.P for the State.

2 Two previous applications for bail filed by the applicant, were rejected by this Court. One was before the filing of the charge-sheet, and the other was after the filing of the charge-sheet. The second one was withdrawn after advancing some arguments. Now, the prayer for bail is

canvassed basically on the ground that the co-accused similarly placed, have been released on bail. It is submitted that totally 23 persons have been arrested in this case so far, and except the applicant, and one Ashok Sharma, an office bearer of Vijaya Co-operative Credit Society, all others have been released on bail, either by this Court, or by the Court of Sessions, or by the learned Magistrate.

3 Mr.Gharat, the learned Special Public Prosecutor emphasized the seriousness of the offences and the existence of a strong *prima facie* case against him. Indeed, I find that the offences are of a serious nature, and also that there exists a strong *prima facie* case against the applicant. As a matter of fact that it was after noticing these factors only, that bail was earlier denied to the applicant.

4 The question that, however, arises now is '*whether after the applicant has remained in custody for a period of more than 10 months, and when co-accused similarly placed, are said to have been released on bail, further detention of the applicant should be authorized*'.

5 Mr.Gharat made an endeavour to show that some of the accused who have been released on bail, have not been attributed an equally grave role as has been attributed to the applicant. I have, therefore, examined some of the orders passed by this Court and the Court of Sessions while releasing

the co-accused in this case on bail. Though some of the co-accused who have been released on bail have indeed been attributed a lesser role than that attributed to the applicant, there are some others who have, allegedly, played an equally serious role. I do not think that the case of the applicant is very different from some of them who have been released on bail. Mr.Gharat sought to draw a distinction only on the basis of the fact that the amount allegedly earned by the applicant by committing the alleged offences is more than some of the other co-accused who have been released on bail, but this also does not appear to be entirely correct. Such a distinction i.e. of having made greater illegal gains can be made, apparently only in case of one Ashok Sharma, as the amount allegedly earned by him from the alleged offences apears to be much more.

6 Though there exists a *prima facie* case against the applicant, it is also a fact that there are no chances of the trial commencing immediately. It is because the Investigating Agency claims that they are still carrying out further investigation.

7 Grant of bail is discretionary. Since the co-accused similarly placed have already been released on bail, and since this court is required to maintain uniformity, as far as possible, in its approach in such matters, it would be futile to make an attempt to distinguish the case of the applicant

from that of the others who, as aforesaid, have been released on bail. The further investigation, that is said to be pending can be effectively and properly carried out, even if the applicant is released on bail. For instance, there shall be no impediment for the Investigating Agency to seize the property, said to have been acquired by the applicant by the ill-gotten wealth.

8 Considering all the relevant aspects of the matter, I am inclined to release the applicant on bail subject to certain conditions.

9 The applicant is ordered to be released on bail in the sum of Rs.3,00,000/- (Rupees Three lakhs) with one surety in like amount, or two sureties in the sum of Rs.1,50,000/- each on the following conditions :

(i) The applicant shall attend the office of the Economic Offences Wing, Unit-I, as and when required by the Investigating officer.

(ii) The applicant shall also report to the Court of the learned Magistrate on the first Monday of each calendar month, in addition to the dates of hearing of the case, as may be fixed by the said Magistrate, till the conclusion of the trial. Should the Court be closed on a given Monday,

the applicant shall report to the Court on the next working day.

(iii) The applicant shall not depart from India, except with the express permission of the learned Magistrate.

(iv) The applicant shall not leave the area of Mumbai and Thane district for a period of more than 72 hours, without the express permission of the Investigating Officer or the learned Magistrate.

(v) The applicant shall not contact, meet or approach any of the prosecution witnesses, in any manner, whatsoever.

Application is disposed of accordingly.

(ABHAY M.THIPSAY, J)