

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.5349 OF 2016

Subhash Ashok Tambat ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

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Shri A.G. Talhar, Advocate for applicant
Shri C.V. Dharurkar, A.P.P. for respondent/ State
assisted by Shri Girish Nagori, Advocate for complainant
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CORAM: A.S. CHANDURKAR, J.

DATED: 5th December, 2016.

ORAL ORDER :

1. The applicant, who has been arrested on 25.8.2016, seeks his released on bail in connection with Crime No.120/2007, registered at Bazarpeth Police Station, Bhusawal, District Jalgaon for the offences punishable under Sections 406, 408, 409, 420, 468, 471, 472, 477-A, 120-B read with Section 34 of the Indian Penal Code.

2. As per the F.I.R., it has been stated that, accused

Nos.1 to 15 including the present applicant were Directors of Shri Kala Hanuman Urban Credit Co-operative Society, Bhusawal. The amounts deposited by various depositors were not repaid and by tendering false documents, these amounts were misappropriated. It is in connection with this crime, the applicant stands arrested.

3. It is submitted by learned counsel for the applicant that, except the present applicant and two others, all the other accused have been released on bail. It is submitted that, though initially it was wrongly shown that the applicant had secured interim protection, same was never granted. After the arrest of the applicant on 25.8.2016, the supplementary charge sheet has been filed on 19.9.2016. Same also does not contain any incriminating material against the applicant. It is, therefore, submitted that, this application deserves to be allowed.

4. The application is opposed by learned A.P.P. as well as by learned counsel seeking to assist the prosecution. It is submitted that, though the F.I.R. was registered in the year 2007, the applicant was absconding and was ultimately arrested on 25.8.2016. Considering the gravity of the offence and the amount involved, the applicant does not deserve to be released on bail.

5. Perused the charge sheet as well as the

supplementary charge sheet. The case of prosecution is based on documentary material, which is already on record. Considering the fact that other Directors have been so released and the applicant is under arrest from 25.8.2016, after which the supplementary charge sheet has been filed, no purpose would be served in continuing the applicant behind bars.

6. In view of aforesaid, the applicant is directed to be released on bail pursuant to his arrest in connection with Crime No.120/2007, registered at Bazarpeth Police Station, Bhusawal, District Jalgaon for the offences punishable under Sections 406, 408, 409, 420, 468, 471, 472, 477-A, 120-B read with Section 34 of the Indian Penal Code on furnishing P.R. bond of Rs.20,000/- (Rupees twenty thousand) with one surety in like amount. The applicant shall attend the Court of learned Judicial Magistrate, First Class, Bhusawal as per directions of the said Court. He shall co-operate in the progress of the trial. He shall not take any steps to tamper with the material collected by the prosecution. The application is allowed and disposed of.

(A.S. CHANDURKAR, J.)