

Anand

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

BAIL APPLICATION NO.582 OF 2017

Ramesh Haribhau Sonawane .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.A.U.Nikam i/b. Mr.A.Satpute, Advocate, for the Applicant
Mr.S.S.Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-154 of 2014 registered with the Aadgaon Police Station, Nashik, for the alleged offences punishable under Sections 406, 409, 420, 465, 467, 468, 471, 474, 120B, 109, 114 r/w 34 of the Indian Penal Code and under Sections 3 & 4 of the Maharashtra Protection of Interest of Depositors Act.

3. Learned counsel for the Applicant seeks bail on the ground of parity. He submits that similarly placed co-accused – Sadhana

Chavan and Bapu Chavan have been enlarged on bail by this Court (Coram : Revati Mohite Dere, J.) vide Orders dated 22.03.2016 & 18.04.2017 respectively. He further submits that in fact, the Applicant stands on a better footing than the co-accused who have been enlarged on bail by this Court. He submits that the only allegation against the Applicant who is, the husband of Shobha Sonawane (an agent of the Company) is, that he introduced the scheme to the people and asked them to invest in the said Company. He submits that the Applicant is neither the Director nor an agent of the Company and as such, was in noway directly concerned with the Company.

4. Learned APP does not dispute the fact, that the Applicant is neither the Director nor an agent of the Company – KBC Club and Resort Pvt. Ltd. He also does not dispute the fact, that similarly placed co-accused – Sadhana Chavan and Bapu Chavan have been enlarged on bail by this Court.

5. Perused the papers as well as the Orders enlarging co-accused on bail. It appears that KBC Club and Resort Pvt. Ltd. had introduced multi level marketing scheme. Admittedly, the Applicant is neither the founder nor the Director nor the agent of the said Company.

Admittedly, no money has gone to the Applicant's account. It appears that the Applicant's wife - Shobha Sonawane was an agent of the said multi level marketing scheme. The Applicant's wife – Shobha Sonawane was also arrested and subsequently, enlarged on bail. The Applicant is in custody since September, 2016. Investigation is complete and charge-sheet is filed.

6. Considering the nature of allegations and on the ground of parity, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

ORDER

- (i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/-** with one or two sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station on the **1st Monday of every month** between **10.00 a.m. to 11.00 a.m.** till the conclusion of the trial;
- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or

change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant shall not leave India without prior permission of the trial Court;

(vi) The Applicant to cooperate with the conduct of the trial;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)