

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 1056 of 2017
[Rakeshprasasd Udayraj Shahu Vs. State of Mah., Hudkeshwar PS, Nagpur]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. R. M. Daga, Adv., for the applicant.
Ms. Geeta Tiwari, APP for non-applicant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 23rd November, 2017

The applicant who has been arrested on 17th January, 2017 in connection with Crime No. 117/2016 registered at Hudkeshwar Police Station, Nagpur, for the offences punishable under Sections 465, 467, 468, 471, 420, 472, 474, 484, 419, 120-B, 201 read with Section 34 of Indian Penal Code and Sections 81 and 82 of the Indian Registration Act seeks his release on bail.

As per the report dated 18th March, 2016, the applicant and his wife were members of Chitnavispura Co-operative Bank. For purposes of starting some business, they sought to obtain a loan by mortgaging certain property. The loan came to be granted. But subsequently, it was revealed that the property mortgaged did not belong to the applicant. The documents are alleged to have been fraudulently

prepared with a view to gain advantage.

It is submitted on behalf of the applicant that after his arrest, the entire material in question has been seized and a charge-sheet has been filed. All other accused have been enlarged on bail by the trial Court by observing that the trial would not be completed within a reasonable period. As the entire material is now with the prosecution, no purpose would be served in detaining the applicant.

The application is opposed by the learned Addl. Public Prosecutor by relying upon the reply. It is submitted that the applicant being the main accused who had sought to defraud the Bank by preparing bogus documents, he does not deserve to be so released. Grant of bail to other accused is of no consequence. Considering the seriousness of the offence, the application deserves to be rejected.

Perused the First Information Report as well as orders passed on the applications moved by the other accused persons. It has been observed that the prosecution intends to examine about thirty-four witnesses and the report of the handwriting expert is yet to be received. Though it is true that the applicant is accused no.1, considering the fact that entire documentary material is now with the prosecution and the applicant is behind the bars for more than ten

months, a case for releasing him on bail is made out.

Accordingly, the applicant who has been arrested in connection with Crime No. 117/2016 registered at Hudkeshwar Police Station, Nagpur, for the offences punishable under Sections 465, 467, 468, 471, 420, 472, 474, 484, 419, 120-B, 201 read with Section 34 of Indian Penal Code and Sections 81 and 82 of the Indian Registration Act is directed to be released on bail on furnishing a Personal Bond of Rs. 30,000-00 [rupees thirty thousand only] with one surety in the like amount. The applicant shall co-operate in completion of the trial. He shall not take any steps to influence the prosecution witnesses.

Observations made in this order are only for deciding the bail application which is allowed and disposed of.

Judge