

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Mr. Avinash B. Bhosale ...Applicant.
vs.
The State of Maharashtra ...Repsondent.

CORAM : A.S.GADKARI, J.
DATE : 10th August, 2018

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.6 of 2016 dated 10.1.2016 registered with Pangari Police Station. Taluka Barshi, District Solapur under Sections 406, 409, 418, 420 read with 34 of the Indian Penal Code which is converted into RCC No.96/2016 pending on the file of Judicial Magistrate First Class, Barshi, District Solapur.

2. The prosecution case in brief is that, the applicant along with other accused persons has acquired shares of Aryan Sugar Pvt .Ltd. Khamgaon, Taluka Barshi, District Solapur. That, the accused persons during the crushing season of 2014-15 purchased sugarcane from the informant and other witnesses,

used to it for manufacturing of sugar and thereafter did not make the payment of the said sugarcane to the agriculturist. It is also alleged that the applicant also did not make payment to other related stake holders involved in the said process. It is the precise prosecution case that, the applicant and other accused persons have committed defalcation of Rs.11,609,42,100. During the course of investigation the applicant came to be arrested on 28.2.2017 and after completion of investigation the police have submitted charge sheet.

3. During the course of arguments, the learned counsel appearing for the applicant had made a statement that with a prove to his bonafide and without prejudice to his rights and contentions the applicant is ready and willing to deposit the alleged defalcated amount in the registry of this Court if he is granted some time to do so. He had also made a statement that the applicant will file an affidavit in that behalf before this Court. Accordingly, by an Order dated 25.7.2018 the applicant was permitted to affirm an affidavit before the Superintendent, Solapur Central Prison.

Mr. Pradhan today has tendered across the bar affidavit

dated 6.8.2018 duly affirmed by the applicant before the Jailor of Solapur Central Prison. The same is taken on record and marked "X" for identification.

4. As per the said Affidavit the applicant has undertaken to deposit Rs.7.00 lakhs in the registry of this Court prior to his actual release from Jail. The applicant has also given schedule of payment in Para No.3 of the said affidavit. As per the said schedule, the last date of depositing the entire amount in the registry of this Court would be 9.8.2019. Undertakings given in the said affidavit are accepted as undertakings given to this Court.

5. In view of the said affidavit and undertakings dated 6.8.2018 and without going into the merits of the matter the applicant can be released on bail.

Hence, the following order.

a) The applicant be released on bail in CR No.6 of 2016 dated 10.1.2016 registered with Pangari Police Station. Taluka Barshi, District Solapur now culminated into RCC No.96/2016 pending on the file of Judicial Magistrate First Class, Barshi, District Solapur on his furnishing PR bond of Rs.25,000/- with one or more solvent local sureties in the like amount.

b) The applicant shall deposit Rs.7.00 lakhs in the registry of this Court before his actual release from Jail.

The deposit of Rs.7.00 lakhs shall be the condition precedent for release of applicant from Jail.

c) After his release from Jail the applicant shall attend the concerned police station on every first Monday of the month between 11.00 a.m. and 1.00p.m.

d) The applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.

e) The applicant shall not tamper with the evidence and /or influence the prosecution witnesses.

f) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)