

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

BAIL APPLICATION NO.3021 OF 2017

Rajkumar Bhimashankar Shevate Applicant
Vs.
The State of Maharashtra Respondent

**ALONGWITH
BAIL APPLICATION NO.443 OF 2018**

Ravi @ Ravindra Krishna Asade Applicant
Vs.
The State of Maharashtra Respondent

Mr. Anant Vadgaonkar for the Applicant in BA No. 3021 of 2017.
Mr. Satyavrut Joshi I/by Mr. Jaydeep D. mane for the Applicant in
BA No. 443 of 2018.
Mr. S.H. Yadav APP for the State.

Mr. S.S. Pawar, API, EOW, Solapur city.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 13th July, 2018

P.C.:

1 Heard the learned counsel for the applicants and the
learned APP.

2 These are the applications seeking enlargement on bail in Crime No.213 of 2017, registered at Sadar Bazar Police Station, Solapur, for the offences punishable under Sections 403, 417, 420, 467,468, 471 read with 34 of Indian Penal Code. The investigation is completed and charge-sheet is filed. It was revealed that one Rahul Ghatkar working as Social Welfare Inspector lodged a report at the Police Station.

3 The applicants herein were the Directors of Pooja Magasvargiya Knitting and Garments Industrial Manufacturing Co-operative Society (hereinafter refereed to as “Society”). That the applicants were founder members. That the Society had borrowed a loan from the Government of Maharashtra to the tune of Rs.1,04,62,000/- as long term loan. The total amount that was sanctioned was Rs.2,09,24,000/-.

4 It is alleged that the Chairman and the office bearers of the said Society had mis-appropriated an amount of Rs.2,09,24,000/-. It appears that certain resolutions were passed by

the Society, in which the loan was to be transferred in the account of the original accused no.1 i.e. the Chairman and the Commissioner, Director of Social Welfare, Maharashtra State. In fact, the said amount was sanctioned for the purpose of construction of a building, which was to be constructed within 52 weeks. However, without getting the work executed, by filing forged and fabricated document, the loan was approved. They had shown the property of which one Raghunath was the owner.

5 Learned APP, upon instructions and on the basis of the papers of investigation submits that from 2010, the Chairman-accused no.1 Vyankatesh Asade had withdrawn the amount from the joint account in cash. The learned counsel for the applicant submits that the applicants have not been a party to the withdrawal of the said cash amount. That they have been in custody for more than 1 year. All the offences are triable by the Court of Magistrate. It is, in view of this the applicants deserve to be enlarged on bail. However,

it is made clear that enlargement on bail would not absolve the applicant of the offences alleged.

6 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial.

Hence, the order :

ORDER

- i) The applications are allowed.
- ii) The applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.50,000/- each with one or more solvent sureties in the like amount.
- iii) Within four weeks from the date of release, the applicants shall give an undertakings to the police that they would attend each and every dates at the time of trial. Upon failure to attend any two consecutive dates, the prosecution would be at liberty to file an application under Section 439(2) of Cr.P.C.

(*Smt. Sadhana S. Jadhav, J*)