

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

BAIL APPLICATION NO.1108 OF 2018

Rajkumar Chandrakant Asade Applicant
Vs.
The State of Maharashtra Respondents

Mr.Piyush Toshnival I/by Mr.Aniket U. Nikam for the Applicant.
Ms.Veera Shinde APP for the State.
Mr. S.S. Pawar, API, EOW, Solapur City.

Coram : *Smt. Sadhana S. Jadhav, J.*
Date : *2nd August, 2018*

P.C.:

1 Heard, perused the papers of investigation.

2 The applicant herein is arrested on 1st April 2017 in Crime No.213/2017 registered at Sadar Bazaar Police Station, Solapur for the offence punishable under Sections 403, 417, 420, 467, 468, 479 read with Section 34 of the Indian Penal Code. The investigation is completed and charge-sheet is filed.

3 In the present case, the applicant is mainly seeking

enlargement on bail on the ground of parity. The applicant was the Director of “Pooja Magas Vargiya Knitting and Garments Audhogik Utpadak Sahakari Sanstha Maryadit” (hereinafter referred to as the Society). The Society had borrowed a loan from the Government of Maharashtra. The loan was sanctioned for Rs.2,09,24,000/-. The Society had borrowed Rs.1,04,62,000/-. The social welfare inspector Rahul Katkar had lodged a report against the Society that the Chairman, the office bearers and the Directors had misappropriated the said amount of Rs.1,04,62,000/-. The principal allegations are against the Chairman.

4 It appears from record that the amount which was disbursed by the Government was withdrawn in cash by the Chairman. It is submitted that the applicant has not withdrawn the amount nor he is a beneficiary. That the applicant has been in custody for more than one year. The Directors who are similarly placed have been enlarged on bail by this Court.

5 In view of the facts mentioned above, the applicant also deserves to be enlarged on bail. It is made clear that the Chairman of the Society viz. : Vyankatesh Asade shall not claim parity with the Directors of the said Society. It is also made clear that the observations are restricted to an application under Section 439 of the Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of First Information Report, discharge application or at the time of trial. Hence, the following order :

ORDER

- i) The application is allowed.
- ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.
- lii) Within four weeks from the date of release, the applicant shall give an undertaking to the police that they would attend each and every date 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*)