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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 622 OF 2019**

Namdev Vishnu KaleApplicant

V/s.

The State of MaharashtraRespondent

AND

CRIMINAL BAIL APPLICATION NO. 623 OF 2019

Pravin Dattu LondheApplicant

V/s.

The State of MaharashtraRespondent

Mr. Ritesh Thobde a/w Mr. Sagar Tambe for the applicants
Mr. A. A. Palkar APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : MARCH 6, 2019.

P.C.

Applicants are seeking regular bail in Crime No. 583/2018 registered with Vijapur Naka Police Station, Dist. Solapur for offence punishable under sections 120, 193, 196, 198, 200, 203, 465, 468, 471,

472, 419, 420 r/w 34 of the Indian Penal Code. Applicant Namdev came to be arrested on 28/11/2018 and on 16/10/2018 applicant Pravin came to be arrested and charge-sheeted.

2 It is informed that there are no criminal antecedents. Statement made on instructions by the learned counsel for the applicant is accepted.

3 Prosecution story is accused no. 1 Vishnu Dhere was owner of truck bearing no. MH 13-AX-2655 which was purchased on hire from the finance provided by Shreeram Finance.

4 By impersonating and forging the documents, hire purchase entry was removed and said vehicle was sold for a consideration of Rs. 7 Lakhs to third person.

5 Both applicants have aided main accused Vishnu in impersonating and forging the documents for cancellation of hire purchase of charge of Shreeram Finance in the Record maintained by Regional Transport Authority.

6 The submissions are apart from absence of antecedents, main

accused is already arrested in crime. It is claimed that applicants are entitled to be released, considering the maximum punishment provided for the offence. Applicants volunteered that they shall deposit an amount of Rs. 3 Lakhs each in the Court below where charge-sheet is filed, apportionment of which can be dealt with in accordance with law in the facts and circumstances of the case.

7 The learned APP submits that since one of the co-accused is still absconding, applications be rejected.

8 Having considered submissions, what is noticed is, investigation to the extent of role of the other co-accused including the applicants is already over but for the accused who is absconding.

9 There are no antecedents. Considering the role attributed to the applicants in the crime in question, their *bona fides* wherein they have volunteered to deposit an amount of Rs. 3 Lakhs by each of them in the Court below, applications deserve to be allowed.

*(A) Applicants be released on bail in Crime No. 583/2018
registered with Vijapur Naka Police Station, Dist. Solapur on*

executing P.R. bond in the sum of Rs. 25,000/- each with one or more sureties in the like amount.

(B) Applicants shall deposit Rs. 3 Lakhs each before the Court below which will be condition precedent for release of the applicants.

(C) Apportionment of the said amount shall be dealt with in accordance with Law in the facts and circumstances of the case. Amount of Rs. One Lakh of the amount deposited by Applicant be made over to the buyer of the truck on whom Applicants have practiced fraud.

(D) Applicants shall not influence witnesses or tamper with evidence.

10 Applications stand disposed of.

[NITIN W. SAMBRE, J.]