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

BAIL APPLICATION NO. 780 OF 2019

Naresh Nekaram Chaudhary

..Applicant

Vs

The State of Maharashtra & Anr.

..Respondents

Mr. S.V. Marwadi a/w Ms. Trupti K for the Applicant.

Mr. S.S. Hulke, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 25th March 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 27 of 2019 dated 6.2.2019 registered with Kasa Police Station, District Palghar under section 420, 34 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP. Perused the record of investigation.

3] It is the prosecution case that, the applicant and other accused persons after accepting the documents from the informant/witnesses submitted a loan proposal with the Bank of Maharashtra, Charoti Branch and after the said loan was sanctioned defalcated four lakhs from it. The applicant is the beneficiary of rupees two lakhs out of the said amount. During the course of investigation, the applicant came to be arrested on 17.2.2019.

4] During the course of argument, the learned counsel for the applicant on instructions from the brother of the applicant submitted that, the applicant is ready and willing to deposit the said amount of rupees two lakhs in the Registry of 2nd Judicial Magistrate First Class, Dahanu within a period of one week today. The said statement is accepted.

In view of the above and without considering the application on merits, and in view of the peculiar facts of the present case, the applicant can be released on bail. The deposit of rupees two lakhs is condition precedent for actual release of the applicant from jail.

Hence the following Order:-

- i] Applicant be released on bail in CR No. 27 of 2019 registered with Kasa Police Station, District Palghar on his furnishing PR bond of Rs.10,000/- with one or two local sureties in the like amount;
 - ii] The applicant shall attend all the dates before the Trial Court unless granted exemption by the concerned Court.
 - iii] In case of two consecutive defaults, the Investigating Officer is at liberty to file an application for cancellation of bail.
- 5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)