

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 957 OF 2019

Prasad s/o Keshavrao Pimple .Vs. State of Maharashtra, PSO, PS. Dhantoli,
Nagpur and another.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. S.V. Manohar, Senior Advocate with Mr. R.R. Vyas,
Advocate for applicant.
Mr. N.B. Jawade, A.P.P. for non applicants-State.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 15, 2019

Heard Mr. Sunil Manohar, learned Senior
Counsel for the applicant and Mr. Niraj Jawade, learned
Additional Public Prosecutor for the non applicants-State.
Also perused the reply filed on behalf of the prosecution.

The applicant is claiming regular bail from this
Court since the applicant is arrested in connection with
Crime No.181/2019 registered with Police Station, Dhantoli,
Nagpur and the investigation of the said crime is
subsequently transferred to the Crime Branch, Economic
Offences Wing, Nagpur for the offences punishable under
Sections 420, 406, 409, 120B, 465, 467, 468, 471, 477A of
the Indian Penal Code and under Section 3 of the
Maharashtra Protection of Interest of Depositors Act and
under Sections 65, 66-B of the Information Technology Act.

The applicant is arrested on 05.07.2019. though
in the reply incorrectly it is stated as 18.06.2019 and the

learned Additional Public Prosecutor cuts sorry figure for mentioning the wrong date though correct date was given to him by the investigator.

It is an admitted position that after his arrest, the applicant was in police custody remand and after the police custody remand he was taken in the magisterial custody remand and since then he is in jail. It is also an admitted position that the investigation is over insofar as the present applicant is concerned. Not only that the investigator has also filed final report before the Court.

The learned Additional Public Prosecutor submits that the investigation insofar as the Chairman of Navodaya Urban Co-operative Bank Limited, Nagpur is concerned, it is still going on and after the investigation qua the President of the said bank will be over, it will be open for the investigator to file additional charge-sheet even concerning the present applicant. Further it is clear that the applicant's custodial presence will not be claimed by the investigator. The charge-sheet is placed on record. The accusation against the present applicant would show that the applicant was appointed as Valuer of the said bank. According to the prosecution case, the applicant has given inflated valuation report in respect of three properties as mentioned in the reply and has shown the value of the property which was mortgaged with the bank more than the Ready Reckoner amount in respect of the said property. Except this there are no allegations and/or accusations against the present applicant.

The learned Senior Counsel for the applicant invited my attention to the reported judgment of this Court in the case of **Suresh Lachhmandas Raheja Vs. Ferrani Hotels Private Limited and others**, reported in **2011(2) Mh.L.J. 507** to show that the ready reckoner is provided merely for the purpose of levying stamp duty. Be that as it may. The accusation made against the present applicant is that he has shown inflated amount in respect of the value of the property.

It is also disclosed to this Court during the course of the submission that prior to the arrest of the applicant he was called by the investigator and accordingly he attended the Economic Offences Wing. Not only that he handed over all the documents which were with him to the investigating agency. This aspect has its own bearing while deciding the application for regular bail and that shows that the applicant is not having inclination to avoid the process of law. Not only that he extended full cooperation to the investigating officer even before he was arrested.

The applicant is not having any criminal antecedent at his discredit. There is nothing placed before this Court to show that he will not be available to the course of justice when the trial will commence. Reply also does not show that the investigating officer is having any apprehension that if the applicant is released on bail he may indulge in any activity of tampering of evidence. The applicant is having deep roots in the society.

Since the applicant has extended full cooperation to the investigating officer even prior to his arrest, the investigation qua the present applicant is over and charge-sheet is already filed and there is nothing on record to show that the applicant will not be available to the course of justice, in my view, the applicant need not continue his jail presence. However, at the same time interest of the prosecution can also be secured by imposing certain conditions on the applicant. Resultantly, I pass following order:

ORDER

- (i) The application is allowed.
- (ii) Applicant - Prasad s/o Keshavrao Pimple be released on bail in connection with Crime No.181/2019 registered with Police Station, Dhantoli, Nagpur and the investigation subsequently transferred to Crime Branch, Economic Offences Wing, Nagpur, for the offences punishable under Sections 420, 406, 409, 120B, 465, 467, 468, 471, 477A of the Indian Penal Code and under Section 3 of the Maharashtra Protection of Interest of Depositors Act and under Sections 65, 66-B of the Information Technology Act, on he executing P.R. Bond in the sum of Rs.1,00,000/- (Rupees One Lakh only) with one solvent surety in the like amount.
- (iii) The applicant shall surrender his passport before the Court below before whom the bail bonds will be executed.

(iv) During the pendency of the trial it shall not be open for any Court to return the said passport to the applicant unless permission is sought from this Court.

(v) The applicant shall attend the Economic Offences Wing, Nagpur once a week i.e. on every Friday and shall be with the investigating officer from 03:00 p.m. to 05:00 p.m. till culmination of the trial.

(vi) In addition to the aforesaid condition the applicant shall attend investigating agency as and when he is called by the investigating officer and shall extend full cooperation to the investigating officer.

(vii) The applicant shall attend all Court dates scrupulously.

(viii) The applicant shall not make any attempt to cause prejudice to the prosecution case.

(ix) With this, the application is allowed and disposed of.

JUDGE

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