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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.1616 OF 2019
WITH
CRIMINAL APPLICATION NO.263 OF 2020**

Vishwambhar s/o Maroti Gawande

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr S. J. Salunke, Advocate for applicant;
Mr S. G. Sangle, A.P.P. for respondent

CORAM : RAVINDRA V. GHUGE, J

DATE : 14th December, 2020

PER COURT:

1. This matter was heard extensively. With the assistance of the learned Advocate for the applicant and the learned Prosecutor, I have gone through the record available. I have perused the orders passed by this Court on 16-07-2020, 07-08-2020, 25-08-2020 and 02-09-2020 in Bail Application No.267 of 2020, involving the co-accused Surekha.

2. The learned Advocate for the present applicant Vishwambhar submits that Surekha has not deposited an amount of Rs.20,00,000/- in this Court, though her assurance was recorded by this Court in its order dated 02-09-2020 in Bail Application No.267 of 2020. Surekha is presently behind bars.

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3. The learned Advocate for the applicant submits that as has been recorded by this Court in Bail Application No.267 of 2020, the amount which is involved in the alleged offence committed by Surekha and present applicant, is about 34,00,000/-.

4. On being called upon to make a statement as to whether this applicant can deposit the residual amount of Rs.14,00,000/-, the learned Advocate for the applicant sought time to take instructions and prayed for a pass-over.

5. After the matter was called out after some time, the learned Advocate submits on instructions, that subject to his right to receive the amount in the event he is acquitted, the applicant would deposit an amount of Rs.14,00,000/- before the learned Chief Judicial Magistrate, Aurangabad, in R.C.C. No.2674 of 2019, on or before 11th January, 2021, failing which, the applicant concedes that he would surrender before the Police Station, Pundalik Nagar, Aurangabad, before 5.00 p.m. on 11th January, 2021.

6. The learned Prosecutor submits that considering that this case involves an economic offence and the applicant was a bureaucrat at the time of commission of offence, stringent conditions will have to be imposed if this Court is inclined to grant bail.

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7. Having perused the record and the contents of the FIR, wherein Surekha is stated to have consistently utilized the name of the present applicant Vishwambhar when he was Deputy Collector in the State bureaucracy and keeping in view that the complainant claimed to have had an interaction with this applicant while depositing the amount, this application is allowed on the following conditions :-

(a) The applicant shall surrender to the Police Station, Pundalik Nagar, Aurangabad on 20th December, 2020 and upon being arrested, he shall be released on bail on furnishing a P.R. Bond of Rs. 25,000/- and a surety of the like amount.

(b) This order is being passed on the condition that the applicant would deposit Rs.14,00,000/- (Rs. Fourteen Lakhs) with the learned Chief Judicial Magistrate, Aurangabad, on or before 11th January, 2021.

(c) After depositing the amount, the applicant shall produce proof of such deposit of money with the Police Station, Pundalik Nagar on or before 11th January, 2021.

(d) If no such proof of deposit is tendered before the SHO of Pundalik Nagar Police Station on or before 11th

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January, 2021, the applicant shall surrender to the Police Station, in as much as, the bail, being granted today on the above condition shall stand cancelled automatically at 5.00 p.m on 11th January, 2021 and he shall be arrested.

(e) The applicant shall fully co-operate with the Economic Offences Wing, Aurangabad, which is investigating into the matter and shall mark his presence before the Police Station, Pundalik Nagar on every Sunday, between 10.00 a.m. and 1.00 p.m., beginning from 20th December, 2020.

(f) His attendance shall be recorded in the Station Diary by the SHO by obtaining his signature.

(g) The condition of attendance in the Police Station subject to further investigation into the role of the applicant (keeping in view that the charge-sheet is still not filed to his extent), shall be relaxed upon the charge-sheet being filed.

(h) The applicant shall surrender his passport and submit a self attested copy of his Aadhar Card and Election Commission Voter I.D. Card and latest proof of his permanent address on 20th December, 2020 with the SHO of the Police Station, Pundalik Nagar.

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(i) Violation of any of the conditions shall be a good ground for the cancellation of the bail.

8. Despite this matter having been called out on two occasions today, none appeared for complainant Sangeeta in Criminal Application No.263 of 2020. As such, this Criminal Application No.263 of 2020 does not survive and stands disposed off.

(RAVINDRA V. GHUGE, J.)

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