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

**CRIMINAL BAIL APPLICATION NO. 1755 OF 2018  
WITH  
CRIMINAL APPLICATION NO. 868 OF 2019  
IN  
CRIMINAL BAIL APPLICATION NO. 1755 OF 2018**

Vishwanath Dnyandev Ghanwat

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Ashok Mundargi Senior Advocate i/b Mr. Satyam Nimbalkar for  
the applicant

Mrs. P. P. Shinde APP for the State

Dy. S. P. Jyoti Amame, CID, Kolhapur Unit

**CORAM : NITIN W. SAMBRE, J.**

**DATE : FEBRUARY 11, 2020.**

**P.C.**

Applicant came to be arrested on 03/08/2017 in Crime No. 49 of 2017 registered with Kodoli Police Station for offence punishable under Sections 454, 380, 120B, 166, 167 r/w 34 of the Indian Penal Code.

2] Applicant was charge-sheeted on 27/10/2017 and almost after

period of about 2 years, he was released on temporary bail on medical grounds.

3] Prosecution case is, under Section 41(1)(d) of Code of Criminal Procedure, 1973, accused Mohiddin Mulla was apprehended on 12/03/2016 and during search, so also further investigation, amount of more than Rs. 3 Crore was recovered.

4] Another offence being crime no. 41 of 2016 registered at the behest of one Mr. Zunjar Sarnobat for theft of Rs. 3 Crores 11 Lakhs from the flat located at Warnanagar in Kolhapur district.

5] In the aforesaid crime no. 49 of 2017, the role attributed to the applicant is that of alongwith co-accused, API Suraj Chandanshive, who is also released on regular bail by the Sessions Court, constable Deepak Patil, has removed substantial amount. Offence in question claim to have been committed by the applicant by benefiting from the cash which was stolen from the place of offence i.e. Warnanagar.

6] Senior counsel Shri. Mundargi would urge that apart from the

fact that applicant was behind the bar for more than 2 years, the fact remains that investigation in the matter is already over as the applicant is charge-sheeted. According to him, nothing incriminating was recovered from him.

7] Learned APP while strenuously opposing the prayer for grant of bail would urge that there is sufficient material to infer *prima facie* and active involvement of the applicant in the crime in question. According to her, a responsible public servant who was entrusted with the duty of investigating the crime has got himself involved in the commission of crime and has drawn illegal benefits. As such, prayer needs to be rejected.

8] Considered submissions.

9] Applicant was subjected to custodial interrogation and the fact remains that nothing incriminating was recovered from his custody and there are no criminal antecedents but for the crime in question. Applicant, I am informed that is very much available for the

investigation. After he was released on temporary bail, there are no allegations of any threats to the witnesses or tampering.

10] Maximum punishment provided under Section 409 of the Indian Penal Code is that of 10 years, however, considering past conduct and the absence of criminal antecedents and the fact that applicant will be very much available for facing the trial, case for grant of bail is made out. Hence, following order:

*(I) Applicant be released on bail in Crime No. 49 of 2017 registered with Kodoli Police Station on furnishing P.R. bond in the sum of Rs. 1 Lakh with one or more local sureties in the like amount.*

*(II) Applicant shall not influence witnesses or tamper with evidence.*

*(III) On two consecutive absence before the Trial Court will entail the cancellation of bail at the behest of Prosecution.*

*(IV) Applicant shall not leave Pune and Kolhapur without prior permission of the Court and investigating agency.*

11] Application stands disposed of.

12] Since applicant is released on regular bail, Criminal Application No. 868 of 2019 stands disposed of.

**[NITIN W. SAMBRE, J.]**