

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

ANTICIPATORY BAIL APPLICATION NO. 2811 of 2019

Sandip Subhash Alatekar	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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S. Joshi i/b Sunil S. Kamble for the Applicant.
Veera Shinde APP for the State/Respondent.
Sunil Tukaram Mane, ASI, Palus Police Station, Sangli.

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CORAM : PRAKASH D. NAIK, J.

DATE : 21th JANUARY, 2019.

PC. :

The Applicant is apprehending arrest in CR. No. 110 of 2019 registered with Palus Police Station, Sangli for the offences punishable under Sections 409 read with 34 of the Indian Penal Code.

2. The First Information Report was lodged on 16th May, 2019 alleging that the Complainant is Risk Manager of Institute of Rule Credit and Entrepreneurship Development which is the Charitable Trust. The Trust used to give loan on interest to the needy person and for its recovery, loan officers are appointed. The Applicant and the co-accused had allegedly recovered loan amount but the same was not deposited with the company.

3. Learned Counsel for the Applicant tendered the affidavit in presence of the Applicant executed on 21st January, 2020 stating that the Applicant is ready and willing to deposit an amount of Rs. 6,29,245/- before the Trial Court to show his bonafide. The affidavit further indicates that the aforesaid amount would be deposited within two months in installments. The amount of Rs. 1 lakh would be deposited on 23rd January, 2020, further amount of Rs. 3 lakhs would be deposited between 24th January 2020 to 21st February 2020 and the balance amount of Rs. 2,29,245/- would be deposited within 21st February, 2020 to 21st March, 2020. The affidavit is taken on record as undertaking to this Court.

4. In view of the aforesaid circumstances, protection under Section 438 of the Criminal Procedure Code can be granted to the Applicant.

5. Hence, the following order is passed:

ORDER

- i) The Anticipatory Bail Application No. 2811 of 2019 is allowed.
- ii) In the event of arrest of the Applicant in CR No.110 of 2019 registered with Palus Police Station, Sangli the Applicant be released on bail on furnishing PR. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;

- iii) The Applicant shall abide by the affidavit/undertaking produced before this Court.
- iv) The Applicant shall attend the Investigation Officer once in a month on first Saturday of the month within 11 a.m. to 1 p.m. till March 2020.
- v) In the event of breach of the undertaking, the prosecution will be at liberty to prefer application seeking cancellation of the Anticipatory Bail before this Court.
- vi) The Deposit should be made before the Court of JMFC at Palus and the Trial Court shall deal with the said amount deposited at the time of trial. The deposit should not be construed as admission of guilt. The Trial Court may invest the said amount in fixed deposit.

(PRAKASH D. NAIK, J.)