

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

CRIMINAL APPLICATION (BA) 81 OF 2020

(Mohan s/o. Prakash Kharat..vs.. State, thr PSO, PS, Buldhana (City))

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

Court's or Judge's orders.

Shri N.B. Kalwaghe, counsel for applicant.
Shri S.S. Doifode, Addl. Public Prosecutor for non-applicant.

CORAM: ROHIT B. DEO, J.
DATE:21.02.2020.

The applicant is chargesheeted for offence punishable under sections 468,471, 420, 409 read with section 34 of the Indian Penal Code and is in custody since 14.12.2019.

2. Eleven persons are named in the report. Accused 1 is the goldsmith, who certified the authenticity of the gold pledged by the borrowers of the complainant society.

3. My attention is invited to the order dated 7.2.2020, passed by this Court in Criminal Bail Application 64 of 2020 (Coram : V.M. Deshpande, J.). This Court noted that the investigation is complete and that the amount of loan is repaid by the applicant, who is co-accused.

4. An affidavit is filed which is sworn by the father of the applicant. Paragraph 3 of which reads thus:

“3.It is pertinent to note that the deponent being father of applicant has repaid entire loan amount with interest on 15.2.2020 without prejudice to his rights and contentions. The applicant has paid an amount of ₹ 1,93,477/- and ₹ 1,73,799/- and thus entire loan amount has been repaid and account is settled and nothing is outstanding against the applicant. Therefore, Jijamata Mahila Nagri Sahakari bank Ltd, Buldhana has issued No Dues Certificates dated 15.2.2020 in favour of applicant. Copies of receipts and certificates are annexed herewith and marked as ANNEXURE-X. In view of these facts, this Hon’ble Court may kindly be pleased to release the applicant on regular bail.”

5. In this view of the matter and on principle of parity, the application is allowed.

6. The applicant/accused Mohan s/o.Prakash Kharat be released on bail in connection with Crime 788/2019 registered with Police Station Buldhana (City) for the offence punishable under sections 468, 471,420, 409 read with section 34 of the Indian Penal Code, on executing PR bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with one solvent surety of the like amount.

7. The applicant/accused is directed to attend Police Station Buldhana City, once in a week i.e. on every Sunday from 3.00 p.m. to 5.00 p.m. till filing of the charge - sheet.

8. After filing of the charge-sheet, he is directed to attend the Police Station once in three months from 3.00 to 5.00 p.m.

9. I find it necessary to record that the learned Addl. P.P. wanted time to verify the statements made in the affidavit. However, since I have accepted the statements in the affidavit, it is made abundantly clear, that if any material statement in the affidavit is found to be incorrect, the State shall be at liberty to approach this Court for cancellation of the bail and in such a situation, the bail shall be cancelled as a matter of course.

Judge