

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

CRIMINAL APPLICATION (BA) NO.273 OF 2020

(Dr. Priyadarshan s/o Narayanrao Mandlekar Vs. State of Maharashtra thr. PSO PS
Sakkardara, Nagpur, Dist. Nagpur)

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

Court's or Judge's orders.

Shri U.P. Dable, Advocate for Applicant.
Shri N.B. Jawade, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 19th MARCH, 2020.

The learned APP Shri N.B. Jawade is assisted by the Investigating Officer Ms. Meena Jagtap, Economic Offences Wing (EOW), Crime Branch, Nagpur.

2] At the very outset, the learned counsel for the applicant Shri Uday Dable states that the applicant may be permitted to amend the application to delete the word "provisional" since the applicant is seeking bail both on the principle of parity and on health ground. The learned APP Shri N.B. Jawade has no objection. Leave to amend is granted.

3] This application is taken up for hearing immediately since the submission of the learned counsel for the applicant is that there is a medical emergency and the applicant has to undergo bypass surgery. In this view of the matter, although the State could not file on record an

affidavit, the Investigating Officer is personally present along with the case papers and the learned APP Shri N.B. Jawade states that the hearing can proceed even in the absence of formal affidavit in response.

4] The applicant, who is in custody since 24.02.2020, in connection with Crime 396/2019, registered with Police Station Sakkardara, Nagpur for offence punishable under Sections 409, 420, 467, 468, 471 read with section 120-B of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999, is seeking enlargement on bail.

5] The first submission canvassed by Shri Uday Dable, the learned counsel for the applicant is that the role attributed to the applicant is identical to that attributed to co-accused Chandrakant Bihare, who is already released on bail by this Court vide order dated 04.03.2020.

6] In all fairness, the learned APP Shri N.B. Jawade is not disputing the said submission.

7] The other submission canvassed in support of enlargement on bail is that the applicant is seriously ill and is advised immediate Coronary Artery Bypass Surgery (CABG). This Court's attention is invited to communication dated 16.03.2020 addressed by the Associate Professor and HOD of Cardiac Thoracic & Vascular Surgery, GMC, Nagpur to the OSD of the Government Superspeciality Hospital,

Nagpur. Again, the learned APP Shri N.B. Jawade fairly does not dispute that the applicant needs medical treatment urgently.

8] Both, on the principle of parity and medical ground, the applicant is entitled to bail.

9] The application is allowed.

10] The applicant be released on furnishing personal bond of Rs.20,000/- with a solvent surety of like amount.

11] The applicant shall attend the Economic Offences Wing (EOW), Crime Branch, Nagpur and shall co-operate with the Investigating Officer, as and when directed by the Investigating Officer.

JUDGE