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

## LD-VC-CRIMINAL APPLICATION (BA) NO. 740 OF 2020

(Vijay Rambhau Babhare, Nagpur Vs. State of Maharashtra)

| Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's Orders. | Court's or Judge's orders. |
|---|---|
| | Shri D.V. Chauhan, Advocate for the applicant.<br>Shri N.B. Jawade, A.P.P. for the non-applicant. |

**CORAM : PUSHPA V. GANEDIWALA, J.**
**AUGUST 17, 2020.**

Heard Shri Chauhan, learned counsel for the applicant and Shri Jawade, learned A.P.P. for the non-applicant/State through Video Conferencing.

2. The applicant is said to be arrested on 17/09/2019 in connection with Crime No. 181/2019 dated 15/05/2019 registered at Police Station, Dhantoli, District Nagpur for the offence punishable under Sections 406, 409, 420, 465, 467, 468, 471, 477(A), 120(B) and 201 of the Indian Penal Code, Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999 and Sections 65 and 66(B) of the Information Technology Act, 2000.

3. The case of the prosecution is that at the instance of one Shrikant Supe, Sub-Auditor for the Navodaya Urban Co-operative Bank Ltd., Nagpur, a report came to be lodged alleging therein many irregularities in various transactions due to which the Bank has suffered loss and the deposits of the

investors were misappropriated during the period between 2015-16 to 2016-17.

4. It is alleged that the applicant was one of the Board of Directors so also the Member of one time settlement committee constituted by the Bank for grant of benefit under one time settlement scheme.

5. It is further alleged that the applicant was present in the meeting dated 26/03/2014, where a huge amount of loans to the tune of rupees fourteen crores were granted to the ineligible debtors. It is further alleged that in the said meeting, fifteen loan accounts were given benefit of one time settlement scheme by overlooking the criteria of ineligible debtors.

6. I have perused the application, affidavit-in-reply and the copy of chargesheet.

7. At the outset, at this stage, perusal of the documents in the chargesheet would reveal that the allegations are mainly with regard to the functional irregularities in the banking transactions. The applicant being one of the Directors, who was present in the aforesaid meeting, and the signatories of the resolution, came to be arrayed as an accused. The alleged transactions are of the year 2014 and the audit report is of the year 2018. The prosecution could not point out any pecuniary gain to the present applicant due to the above irregularities.

8. Learned counsel for the applicant brought to the notice of this Court the fact that Rs.18,00,000/- have been deposited in the same bank account of the applicant.

9. The learned A.P.P. strongly opposed the bail application on the ground that the bail application of the co-accused, who was the Branch Manager, came to be withdrawn, as this Court was not inclined to grant bail, however, at the same time, this Court granted bail to the other Branch Manager and also the other co-accused persons in this case.

10. The learned A.P.P. also submitted that out of five members, only the present applicant and the Chairman have attended the aforesaid meeting and passed the resolution.

11. At this juncture, what cannot be lost sight of is that considerations for bail application are altogether different. The Court need not go into the minute details of the case. The incarceration during trial with the object of punishment is not the tenet of law. The considerations shall be, apart from gravity of offence and seriousness of the accusations, the availability of the accused during trial and the apprehension of tampering with the evidence of prosecution.

12. Undisputedly, the applicant is in jail since more than eleven months. The investigation is completed and the chargesheet is also filed. He has

deep roots in the society. The speedy trial is the precious right of the accused.

13. In the instant case, there are lots of uncertainties with regard to the commencement and completion of the trial. The witnesses and the documents are huge in numbers. The applicant cannot be kept behind the bar for an uncertain period, if lots of uncertainties are prevailing.

14. Therefore, this Court is of the opinion that with stringent conditions, the applicant can be released on bail. Hence, the following order :-

**ORDER**

i) The Criminal Application is allowed.

ii) The applicant be released on bail on his furnishing PR bond in the sum of Rs.2,00,000/- with one solvent surety in the like amount.

iii) The applicant shall not pressurize or issue threats to the witnesses.

iv) The applicant shall not tamper with the prosecution evidence.

v) The applicant shall not leave the local jurisdiction without prior intimation to the concerned police station.

vi) The applicant shall deposit his passport, if any, with the concerned police station, forthwith.

vii) The applicant to attend the concerned police station once in a month i.e. on every first

Thursday of the month between 12.00 noon to 2.00 pm.

15. The Criminal Application is disposed of accordingly.

16. The aforesaid observations is only for granting bail to the applicant and it shall not come in the way of the trial Court during trial.

17. This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

**JUDGE**

Sumit