

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 BAIL APPLICATION NO.92 OF 2021

SHANKAR RAMBHAU DHUMAL

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. N.B. Narwade, Advocate for the applicant

Mr. N.T. Bhagat, APP for the respondent

...

AND

912 BAIL APPLICATION NO.93 OF 2021

SHANKAR RAMBHAU DHUMAL

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. N.B. Narwade, Advocate for the applicant

Mr. N.T. Bhagat, APP for the respondent

...

AND

913 BAIL APPLICATION NO.94 OF 2021

SHANKAR RAMBHAU DHUMAL

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. N.B. Narwade, Advocate for the applicant

Mr. A.M. Phule, APP for the respondent

...

AND

914 BAIL APPLICATION NO.95 OF 2021

SHANKAR RAMBHAU DHUMAL

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. N.B. Narwade, Advocate for the applicant

Mr. A.M. Phule, APP for the respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 07th APRIL, 2021.

PER COURT :

1 Present application has been filed by the accused, who has been arrested, in connection with Crime No.507/2018 dated 18.09.2018 registered with Nagar Taluka Police Station, Ahmednagar, for the offence punishable under Section 420, 406, 408, 120-B read with Section 34 of the Indian Penal Code, 1860 and under Section 3 and 4 of Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act, 1990. It will not be out of place to mention here that the applicant was granted bail on interim basis

earlier by this Court, however, now, on the medical ground he is seeking regular bail.

2 Heard learned Advocate Mr. N.B. Narwade for the applicant and learned APP Mr. N.T. Bhagat as well as Mr. A.M. Phule for the respondent/State. In order to cut short it can be said that they have argued in support of their respective contentions.

3 Before turning to the grounds raised, brief facts giving rise to the First Information Report are necessary. One Pralhad Khandu Khandve has lodged the FIR on 18.09.2018 stating that he had opened a Savings Account in 2015-16 with Shrinath Multi-State Urban Co-operative Credit Society, Chinchodi Patil Branch, Tq. & Dist. Ahmednagar. Present applicant is stated to be the Director of the said Co-operative Credit Society. According to the informant, he had invested amount and at the time of investment it was promised that handsome returns would be given @ 12%. According to the informant, the persons who had invested the amount, of which he has given a list, had invested around Rs.4,84,13,891/-, however, the Society after the maturity has not returned the said amount.

4 It has been submitted and documents have been produced to show that the applicant is suffering from Lumber Canal Stenosis with Cervical Sponditese and Lysthesis L4-L5 Grade One. Thereafter, there is a certificate

issued by Saideep Healthcare and Research Private Limited, where the applicant, though under trial, was referred and the certificate is dated 10.12.2020 certifying that he has been advised surgery. The medical reports were called by this Court. Further, it also appears that now by way of subsequent development the Department of Cardiology of said Saideep Healthcare has given a certificate on 02.01.2021 advising coronary angiography and then it was done. It was normal. There is also medical certificate issued by Dr. Rohan Jahdavi, Medical Officer, Civil Hospital, Ahmednagar, which also supports that applicant may need a surgery. Further, he has Acute Coronary Syndrome, which shows slow flow with Tortuous vessel and D-2 Ostial Segment Shows plaque. He is also a patient of Hypertension and Diabetes and query was made by this Court and learned APP was directed to take instructions, as to whether such surgery is possible with Civil Hospital, Ahmednagar. He informs that in view of the rise in pandemic situation the Civil Hospital has been reserved for Covid-19 patients and, therefore, such kind of surgery is not possible at this stage. Under such circumstance, when the surgery has been advised, on this medical ground, the applicant needs to be released on bail.

5 It appears that the present applicant had approached the Additional Sessions Judge with the same request of granting him bail on

medical ground. But it appears that it has been turned down, in view of the then prevailing situation, which could have been handled by the Civil Hospital authorities. The present applicant had the past history of heart attack and under such circumstance, humanitarian approach needs to be taken and, therefore, at this stage, this Court does not want to go into the merits of the case.

6 The further question, that was asked by this Court to the applicant is, as to whether the applicant is in a position to bear the charges of the surgery and how he is going to raise the funds for the surgery. In that respect affidavit of son of the applicant has been filed, who has undertaken to raise the amount for his father. Under these circumstance, definitely the regular bail deserves to be granted. Hence, following order.

ORDER

1 Application stands allowed.

2 Applicant Shankar Rambhau Dhumal, who has been arrested, in connection with Crime No.507/2018 dated 18.09.2018 registered with Nagar Taluka Police Station, Ahmednagar, for the offence punishable under Section 420, 406, 408, 120-B read with Section 34 of the Indian Penal Code, 1860 and under Section 3 and 4 of Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act, 1990, be released on P.R. of

Rs.30,000/- (Rupees Thirty Thousand only) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each, in each matter.

3 The applicant should undergo the surgery as early as possible and not later than two months from today and inform with all those documents about undergoing that surgery to the Trial Court.

4 The applicant shall remain present before the concerned Court, at the time of framing charge and in extreme circumstances only he can claim exemption with necessary medical documents.

5 He shall not object or seek adjournment when the witnesses are present on the point of identity.

6 He shall not indulge in any such activity which would protract the trial. If any such act is pointed out by the prosecution to the Trial Court, which would amount unnecessary dragging the trial by the present applicant, then the prosecution should make it by way of application under Section 439(2) of the Code of Criminal Procedure.

7 Applicant shall not tamper with the evidence of prosecution, in any manner.

(Smt. Vibha Kankanwadi, J.)