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

CRIMINAL BAIL APPLICATION NO. 3594 OF 2019

Balaji Narsayya Chithiyal

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Rushit Thakkar, Advocate for the Applicant.

Mr. S. V. Gavand, APP for State-Respondent.

CORAM : REVATI MOHITE DERE, J.
DATE : FRIDAY, 15th JANUARY 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-407 of 2017 registered with the Bhiwandi City Police Station, Thane, for the alleged offences punishable under Sections 420, 406, 467, 468, 471 read with Section 34 of the Indian Penal Code.

3. Learned counsel for the applicant seeks bail on the ground of parity. He submits that the role of the applicant is similar/identical to that of the co-accused-Ambadas Anjaya Gaddam, who has been released on bail by this Court.

4. Learned APP does not dispute the fact that the role of the applicant is similar to that of the co-accused Ambadas Anjaya Gaddam.

5. Perused the papers. According to the complainant-Anil Motiram Patil, Branch Manager, Thane District Central Co-operative Bank, Bhiwandi Branch, Thane, the applicant alongwith other accused availed of loan facility from the said bank, on the basis of false and forged documents and obtained vehicle loan to the tune of Rs. 40,61,000/- from the said bank. It is alleged that from the said vehicle loan, only Rs. 23,55,622/- were deposited by the respective borrowers with the said bank, by way of EMIs till 2018. It is the prosecution case that although loan was availed for car, no vehicle was purchased and that false and forged R.C.T.C books etc. were prepared and submitted with the bank. No doubt, prima facie there is some material as against the applicant, however, the role of the applicant is similar to that of Ambadas Anjaya Gaddam, i.e. of opening bogus account in the name of Balaji Motors, who has been released on bail. The applicant is in custody since 10th January 2018. Investigation is complete and chargesheet is filed. The statement of the learned counsel for the applicant, that the applicant has no antecedents is accepted.

6. Accordingly, application is allowed and the applicant is enlarged on bail on the following terms and conditions.

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 50,000/- (Rs. Fifty Thousands Only) with one or two local solvent sureties in the like amount;

(ii) The applicant shall report to the investigating officer of the concerned police station on the first Saturday of every month between 10.00 a.m. and 1.00 p.m.;

(iii) The applicant shall not leave India without the prior permission of the trial Court;

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The applicant to co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(vi) The applicant shall file an undertaking with regard to

Clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults either in attending the police station or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancelled of the applicant's bail

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the digitally signed by the Personal Assistant/Private Secretary of this order.

REVATI MOHITE DERE, J.