

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1172 OF 2022

Sushil Jainarayan Karwa
and others

.... Applicants

Versus

The Central Bureau of
Investigation

.... Respondents

....

Mr. R.S. Deshmukh, Senior Advocate a/w Mr. Sanket A.
Jadhav i/by Mr. Pratik A. Bhosle, Advocate for the Applicants
Mr. Ajay Talhar, DSGI for Respondent

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 05th December, 2022

ORDER :

1. CBI-ACB Pune Police Station registered Crime No. RC1222020A001, for offences punishable under sections 420, read with section 120(B) of the Indian Penal Code and section 13(1)(d) of the Prevention of Corruption Act, against the applicants.

2. On completion of investigation, charge-sheet is filed in the Court of learned Chief Judicial Magistrate, Jalna for the offence punishable under section 420 read with section 120-B of the Indian Penal Code. On taking cognizance of the matter,

learned Chief Judicial Magistrate, Jalna issued summons to the applicants calling upon them to appear before him. On receipt of the summons, the applicants apprehending their arrest have filed present application seeking anticipatory bail.

3. Heard the learned senior advocate for the applicant and the learned DSGI for the respondent. Perused the papers placed on record by both the sides.

4. Learned Deputy Solicitor General of India opposed the application, contending that the amount involved in the present matter is more than Rs.17 Crore. He expressed an apprehension that the applicants may flee from justice and may not be available for trial.

5. The learned senior advocate on the other hand submits that, during the course of investigation applicant No.1 received notice under section 41 (A) of the Code of Criminal Procedure. Pursuant to the notice he has attended the police station and has co-operated in the investigation. His statement is recorded. The applicants are permanent residents of the addresses given in the cause title and they have movable and

immovable properties in their name, and they have deep roots in the society and they will not abscond if released on bail .

6. Admittedly, investigation is over and charge-sheet is filed and all the relevant documents are seized during the course of investigation. In the say submitted by the respondent before the trial court, so also in the affidavit-in-reply filed before this court, it is stated that, "in respect of sale of seven shops on the ground floor of the mortgaged building, it is submitted that there is no prosecutable evidence to substantiate the allegation related to the collateral property."

7. Since the investigation is complete and charge-sheet is filed, and the case is numbered as RCC No.273 of 2022, pre-trial custodial detention of the applicants is not warranted in the facts of the present case. The apprehension of the learned Deputy Solicitor General of India can be taken care of by imposing suitable conditions. Hence, the following order.

ORDER

(I) The application is allowed.

- (ii) In the event of arrest of applicants in connection with Crime No. RC-1222020A001 dated 04.03.2020 registered with Police Station CBI, ACB, Pune, for offences punishable under sections 420, read with section 120(B) of the Indian Penal Code and section 13(1)(d) of the Prevention of Corruption Act, applicants shall be released on bail on executing PB and SB of Rs.1,00,000/- each, with one surety each in the like amount.
- (iii) The applicants shall surrender their passports with the investigating officer, CBI-ACB Pune and shall not leave the country without prior permission of the trial Court.
- (iv) The applicants shall give their current residential address and cell phone number to the investigating officer and shall attend the concerned police station on every Sunday between 10.00 am to 12.00 noon, till the conclusion of the trial.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane