

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

APPLICATION FOR CANCELLATION OF BAIL NO.103 OF 2019

THE STATE OF MAHARASHTRA
VERSUS
ASMA RIJWAN SHAIKH

...

WITH

APPLICATION FOR CANCELLATION OF BAIL NO.104 OF 2019

THE STATE OF MAHARASHTRA
VERSUS
SHAUKAT SAHEBKHAN PATHAN

...

WITH

APPLICATION FOR CANCELLATION OF BAIL NO.105 OF 2019

THE STATE OF MAHARASHTRA
VERSUS
HEMANT AMRUTLAL SOLANKI AND ANOTHER

...

Mr. V. S. Badakh, APP for Applicant – State in All Above Matters

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 02nd DECEMBER, 2022

PER COURT :

1. By these applications, the State has challenged anticipatory bail granted in favour of respondents/original borrowers.
2. FIR at C.R. No.0347/2019 is lodged by Vilas Sakharam Kasabe, Accountant of the Ahmednagar District Central Cooperative Bank Ltd., Ahmednagar, Shrirampur Branch, who was at the relevant time holding charge of Branch Manager. In short, it is

alleged that respondents were borrowers who had obtained gold loan from the said bank. When default was committed by them, gold deposited by them towards security of loan was auctioned and at that time it was revealed that the gold was either fake or it was less in quantity. It is, therefore, alleged that borrowers alongwith gold valuer committed offence punishable under Sections 420, 406, 465, and 468 of the Indian Penal Code.

3. Respondents/borrowers filed anticipatory bail applications in Sessions Court, which are allowed. Being aggrieved by said orders, present applications are filed.

4. Heard learned Additional Public Prosecutor for applicant – State. Perused the investigation papers.

5. Learned Additional Public Prosecutor assailed the impugned orders contending that there is sufficient material on record to show that respondents have committed offence. Their custody is necessary for effective investigation and Sessions Court has committed error in granting them discretionary relief. He, therefore, submits that impugned orders are liable to be quashed and set aside and anticipatory bail granted to respondents is liable to be cancelled.

6. Perusal of documents placed on record and the

investigation papers reveal that other similarly situated accused persons were granted anticipatory bail by Sessions Court in Cri.M.A. No.79/2019 and Cri.M.A. No.82/2019, by giving detail reasons. These orders are challenged by the State by filing Application for Cancellation of Bail No.118/2019 and Application for Cancellation of Bail No.119/2019, which are to be dismissed today.

7. The offence is of the year 2019, charge sheet came to be filed on 11/03/2020 and the case is numbered as Regular Criminal Case No.144/2020. Since trial is pending in the Court of learned Judicial Magistrate First Class, Shrirampur, no useful purpose would be served by cancelling anticipatory bail granted in favour of respondents and remanding them to custody. Pre-trial detention of respondents in the facts of present case is not warranted.

8. Considering the above aspect, this Court is of the opinion that applications are liable to be rejected, as no case is made out by the State to cancel anticipatory bail granted in favour of respondents. Applications are, therefore, rejected.

(NITIN B. SURYAWANSHI, J.)