

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

**APPLICATION FOR CANCELLATION OF BAIL NO.118 OF 2019**

THE STATE OF MAHARASHTRA  
VERSUS  
LATA PRABHAKAR GORE AND OTHERS

...

WITH

**APPLICATION FOR CANCELLATION OF BAIL NO.119 OF 2019**

THE STATE OF MAHARASHTRA  
VERSUS  
YOGESH SUBHASH CHINTAMANI

...

Mr. P. K. Lakhotiya, APP for Applicant – State in Both Matters

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**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 02<sup>nd</sup> 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 Sakham 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 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. Applications are, therefore, rejected.

**(NITIN B. SURYAWANSHI, J.)**

SVH