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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.476 OF 2022**

Pawan Shriniwas Tankala

....Applicant.

V/s

The State of Maharashtra

.....Respondent

Ms. Pravada Raut for the Applicant

Ms. P.N. Dabholkar, APP for the Respondent/State.

PSI Mr. Vishal Ghorpade, Powai Police Station, present.

CORAM: NITIN W. SAMBRE, J.

DATE: APRIL 12, 2022

P.C.:-

1] Applicant was arrested on 22/2/2021 in Crime No. 134 of 2021 which was subsequently changed to Crime No.79 of 2021 punishable under Sections 420, 409, 408 and 34 of the Indian Penal Code. Applicant is already chargesheeted in the aforesaid crime and as such it can be inferred that he is behind bars for last more than one year. Maximum punishment provided for the offence alleged is that of seven years. The nature of allegations against the Applicant in the offence in question is commission of economic offence. Investigation has revealed that an amount of Rs 1,25,00,000/- was misappropriated and during investigation, it is noticed that the role attributed to the

Applicant is to the extent of misappropriation of Rs 1,10,00,000/-.

2] Prayer for grant of bail is opposed by learned APP Ms. Dabholkar, as according to her one of the co-accused is absconding and if Applicant is released, it will be difficult to secure the presence of absconding accused.

3] I do not see such cause to be the reason for rejection of bail in the case in hand. Prosecution has since last about one year is unable to trace the absconding accused and as such said fact cannot be considered to the detriment of the Applicant, particularly when he has already suffered incarceration for a period of more than one year. In view of affidavit of undertaking tendered by his father dated 12th April, 2022 the amount involved in the crime is already secured. One more issue which impresses this Court for exercising discretion in favour of the Applicant is, there are no criminal antecedents and the Applicant is of 29 years of age, as such he is at the beginning of his career.

4] Father of the Applicant Mr. Chandra Rao Tanakala who claims to be in the employment of Rashtriya Ispat Nigam Limited, Vishakhapatnam in the capacity of Senior Manager (Field Machinery Department) has tendered affidavit of undertaking, stating that in addition to amount of Rs 60,00,000/- amount of Rs 49,04,066/- shall be deposited. Schedule of such deposit to be made is mentioned therein, whereby by the end of December 2022, entire amount out of the crime attributed to the Applicant is undertaken to be deposited. It is further assured in response to the Court's query by Mr. Chandra Rao Tanakala who is personally present in this Court and is identified through documents which are part of an affidavit which is placed on record today that he undertakes to ensure that Applicant will not abscond till trial is concluded and will ensure attendance of the Applicant during pendency of trial. As such, he has not only taken onerous responsibility of deposit of the amount, as has been mentioned in the affidavit sworn on 12th April 2022 but also has undertaken to ensure the presence of Applicant during trial.

5] In that view of the matter, Applicant is granted temporary bail upon furnishing P.R. Bond in the sum of Rs 25,000/- with one or more sureties in the like amount. Applicant shall attend the trial regularly and shall not influence the witnesses or tamper with the evidence. Initially, Applicant is directed to be released for a period upto 29th June 2022. Matter is directed to be placed on board on 27th June, 2022 so as to ascertain compliance about deposit of the amount.

6] On request made, Applicant is directed to be released on furnishing cash bail of an amount of Rs 25,000/- and he is granted time of four weeks by way of last chance to furnish surety as directed above.

7] Matter to be placed on board as directed above.

(NITIN W. SAMBRE, J.)