

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

BAIL APPLICATION NO.780 OF 2021

Vijay Ramkrushna Kasbe

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Vinod Kashid for the Applicant.

Mr. S.H. Yadav, APP for Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 13th APRIL, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.PC. for pre-arrest bail in C.R. No.336 of 2015 registered with Dahisar Police Station, for offence punishable under Sections 120-B, 406, 408, 409, 420, 465, 468, 469, 471 and 381 r/w 34 of the IPC and under Sections 7, 13(1) (c) of the Prevention of Corruption Act, 1988.

2. Learned Special P.P. is not present. The records indicate that the Special PP was not present even on the last date of hearing. Learned APP seeks time. Learned counsel for the Applicant has opposed the request on the ground that the maximum punishment for the alleged offence is of ten years and that the Applicant is in jail for over seven years

as an under trial prisoner. Considering the fact that the applicant is languishing in jail since long, the request for adjournment is rejected.

3. Heard Mr. Vinod Kashid, learned counsel for the Applicant and Mr. S.H. Yadav, learned APP for Respondent-State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. The aforesaid crime was registered pursuant to the FIR lodged on 08/07/2015 by one Sanjeev Ghadge, Deputy Superintendent of police. It is the case of the prosecution that accused No.5-Ramesh was the Chairman of Sahityaratna Lokshahir Annabhau Sathe Co-operative Thread Mill Ltd. (hereinafter referred to as 'Corporation'). During his tenure as a Chairman he had committed several irregularities from 13/08/2012 to 12/08/2014 and misappropriated an amount of Rs.147 crores. It is stated that in the course of the investigation an amount of Rs.135, 16,18, 808/- is recovered from the accused No.5.

5. The Applicant herein was working as Personal Assistant to accused No.5. The only allegations against the Applicant was that he has placed an order for 350 vehicles. The Applicant was placed under arrest

on 09/07/2015 and till date he is languishing in jail. It is stated that till date charge is not framed. Learned counsel for the Applicant states that about 350 witnesses have been cited in the charge sheet. It is thus evident that the trial is not likely to be concluded within a reasonable time. The co-accused have already been released on bail. The fact that the Applicant is in custody for about 7 years without trial would itself justify grant of bail.

6. Learned counsel for the Applicant states that the Applicant is not involved in any other crime. The Applicant is a resident of Borivali, Mumbai. Hence, there are no chances of the Applicant absconding and /or thwarting the course of justice.

7. Hence, the application is allowed on the following terms and conditions:-

(i) The Applicant is directed to be released on bail in connection with C.R. No.336 of 2015 registered at Dahisar police station , Mumbai on executing PR bonds in the sum of Rs.50,000/- with one or more sureties to the like amount.

(ii) The Applicant shall attend the Investigating Officer of

State CID, Konkan Bhavan, Navi Mumbai once a month of every first Saturday between 11.00 to 1.00 p.m. till further orders;

- (iii) The Applicant shall not tamper with the evidence or influence the witnesses in any manner whatsoever;
- (iv) The Applicant shall not create any third party interest in respect to the subject property purchased by the Applicant which is situated at Aurangabad;
- (v) The Applicant shall submit his passport forthwith to the Investigating Officer of State CID, Konkan Bhavan, Navi Mumbai;
- (vi) The Applicant is permitted to furnish cash bail in the sum of Rs.50,000/- for a period of four weeks in lieu of surety;
- (vii) It is clarified that the observations made in his order are for considering the application for bail and the trial Court shall not be influenced by the same at the time of trial.

8. The bail application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)