

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2090 OF 2022

Kiran Prahlad Surve .. Applicant
Versus
CBI, EOB, Mumbai & Ors .. Respondents

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Ashok M Saraogi for the Applicant.
Kuldeep Patil for CBI respondent No.1
S.H. Yadav, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 03rd AUGUST, 2022

P.C:-

1. Learned counsel Mr. Patil appearing for the CBI has placed on record the status of the accused persons in RC/05/E/2020 and the chart would reflect that out of 31 accused, 27 accused have been released.
2. Learned counsel Mr. Saraogi claim parity with Aryn Javeri who has been released on bail by this court, and on perusal of the order passed in Bail Application No. 630 of 2022 dated 17/03/2022, it is necessary to reproduce the following observations, which are relevant:

“4. It is to be noted that the alleged incident is of the year 2018. FIR was registered in the year 2020

and the charge sheet has been filed in December, 2021. Till the date of filing of the charge sheet, the accused was not arrested. Even after filing of the charge sheet, the accused were on interim bail vide interim bail order date 01/12/2021. The Bail Application has been dismissed on 14/02/2022 only on the ground that the Applicants are involved in committing economic offence.

5. It may be mentioned here that the maximum punishment for the offence is of seven years imprisonment. It is well settled that bail cannot be withheld to penalize the accused and the object is to secure his attendance at trial. The Investigating Agency did not feel the need to arrest the accused till filing of the charge sheet. No grounds are made out to detain the accused pending trial.”

3. There is no reason why the said observations shall not also govern the present applicant as the role of co-accused Amyn Javeri, which has surfaced through the charge-sheet is identical to that of the present applicant.

4. The case of the prosecution is that one Ganesh Ubare and Amit Barnwal, the Branch Manager of SBI Bank entered into a criminal conspiracy with an intent to cheat the Bank by fraudulently sanctioning and disbursing car loans sourced by M/s Vroom Motors, during the period commencing from the period 2016 to 2018 and the applicant is one such borrowers, who has been benefited out of the transaction.

5. Learned Counsel Mr. Saraogi for the applicant state that he face an accusation about obtaining loan against three cars and he make a statement that one of the cars vide Registration No. MH-37-V-603 which is presently in possession of the applicant, shall be surrendered to the Bank through the CBI. The learned counsel, on instructions of daughter of the applicant, who is present in the Court, undertake that within a period of 10 days from his release on bail, the car shall be surrendered to CBI, Mumbai, since it has to be brought from Akola. Upon this, the CBI shall surrender the said car to the SBI Bank within a period of 2 weeks.

6. The above statement is accepted as an undertaking given to the Court and is made as a condition for release of the applicant on bail, with a clear understanding that failure to abide by the same, would result in revocation of the liberty granted to the applicant. Hence, the following order:

ORDER

- (a) Application is allowed.
- (b) Applicant Kiran Pralhad Surve shall be released on bail in connection with F.I.R. No. RC 0682020E005 registered at CBI, EOB on furnishing P.R. bond to the extent of Rs.50,000/- with one or two sureties of the like amount.

The applicant shall be released on cash bail for a period of 4 weeks and during the said period, he shall arrange for the sureties.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.

(d) The applicant shall report to the CBI, EO on first Monday of every month between 11.00 a.m. and 01.00 p.m. On his release, he shall furnish his contact number and current address and shall keep the investigating officer intimated about the change in address.

(e) Applicant shall surrender Car vide Registration No. MH.37-V-603, to the CBI, within a period of 10 days.

(SMT. BHARATI DANGRE, J.)