

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3602 OF 2021

RAHUL DAMODAR GHULE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Tushar Sonawane, Advocate for the Applicant.

Mr.Ameet Palkar, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

RESERVED ON : 16th DECEMBER 2021
PRONOUNCED ON : 21st JANUARY 2022

P.C. :

1 The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.RC-PUNE/2016/A/0001 registered with Central Bureau of Investigation (CBI), Anti Corruption Bureau (ACB), Pune, for offences punishable under Sections 120B read with 419, 420, 467, 468, 471 of the Indian Penal Code (IPC) and

AVK

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under Sections 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988.

2 The First Information Report (FIR) in question came to be filed by one Mahendra Kumar Gupta, Deputy General Manager, Bank of Baroda, Regional Office, Pune, against T.S.Borkar, the then Branch Head, Bank of Baroda, Pimple Saudagar Branch, Pune and others, on the allegation that T.S.Borkar, by abusing his official position as public servant and in connivance with private persons named therein sanctioned car loan of Rs.79.69 lakhs to fourteen borrowers which was accordingly credited in the accounts of firms. The aforesaid loan facilities were sanctioned on the basis of forged documents and the entire amount has not been utilized for the purpose for which it was sanctioned and thereby caused huge pecuniary loss to the tune of Rs.79.69 lakhs to Bank of Baroda.

3 As far as the role of present applicant is concerned, there is observation of the learned trial Court in the Judgment

and Order dated 18th April 2019 passed in Special (CBI-ACB) Case No.69 of 2016 under Sections 419, 420, 467, 468 and 471 read with 120-B of the IPC and under Sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act that he also had withdrawn the amount immediately when the amount was transferred to his account and did not purchase the vehicle, for the purpose of which the loan was sanctioned.

4 It is also clear from the record that as the applicant was absconding, his case came to be separated from rest of the accused. The said trial resulted in conviction of various accused named in the Judgment and Order dated 18th April 2019 passed in Special (CBI-ACB) Case No.69 of 2016.

5 According to Mr.Tushar Sonawane, learned counsel for the applicant, there is nothing to be recovered as investigation is completed long back. The applicant is prepared to co-operate with the trial. No purpose would be served by keeping him behind the bars, urged learned counsel.

6 Mr.Ameet Palkar, learned APP, on the other hand, submits that the applicant had been absconding since beginning, and therefore, the application does not deserve to be allowed.

7 Perused the investigation papers. There is no dispute that the investigation of the matter was concluded long back and the charge-sheet was also filed. It is also clear from the record that the trial was also taken to its logical conclusion in respect of other accused by separating the trial of the present applicant. The only observation of the learned trial Court qua the applicant is that he had also withdrawn the loan amount immediately given for the purpose of purchase of vehicle when the amount was transferred in his account but he did not purchase the vehicle.

8 In my considered view, no purpose would be served by keeping the applicant behind the bars.

9 Having regard to the material on record and accusations against the applicant, I am of the view that the applicant deserves to be released on bail. Hence, I pass the following order :

ORDER

- (i) Applicant – Rahul Damodar Ghule shall be released on bail in Crime No.RC-PUNE/2016/A/0001 registered with Central Bureau of Investigation (CBI), Anti Corruption Bureau (ACB), Pune, on his executing PR.Bond in the sum of Rs.25,000/- with one or two sureties in like amount.
- (ii) The applicant shall not tamper with prosecution evidence.
- (iii) The applicant shall attend the Court proceedings regularly.
- (iv) Bail before the trial Court.
- (v) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(vi) It is made clear that the observations made herein are prima facie and the trial Court shall decide the case on its own merit, in accordance with law, uninfluenced by the observations made in this order.

(vii) The application is allowed in the aforesaid terms and stands disposed off accordingly.

(V. G. BISHT, J.)