

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

**INTERIM APPLICATION NO.3362 OF 2022
IN
CRIMINAL APPEAL NO.986 OF 2022**

Ganesh Anant Kadu

.... Appellant

versus

Central Bureau of Investigation & Anr.

.... Respondent

.....

- Mr. Priyatosh R. Tiwari i/b. Mr. A. M. Saraogi, Advocate for Appellant.
- Mr. Kuldeep S. Patil, Advocate for Respondent No.1.
- Mr. S. R. Agarkar, APP for the State/Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 07th OCTOBER, 2022**

P.C. :

1. This is an application for bail pending final disposal of Criminal Appeal No.986 of 2022. The Applicant was the original accused No.6 in CBI Special Case No.33 of 2018. At the conclusion of the trial, the learned Special Judge, CBI, vide his Judgment and Order dated 29/08/2022 convicted the Appellant for commission of offence punishable u/s 467 r/w 120-B of the Indian Penal Code and sentenced him to suffer rigorous

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imprisonment for two years and to pay a fine of Rs.1,000/- and in default of payment of fine to suffer simple imprisonment for three months.

2. The prosecution case is that the main accused i.e. accused No.1 Vijay Chaudhary had used forged Kisan Vikas Patra about more than 41 in number to obtain credit card facility from Dena Bank and thereby gained wrongful amount to the tune of Rs.50 lakhs. The case against the Applicant is that all these Kisan Vikas Patra were prepared and printed on the computer and printer of the Applicant. Learned Judge has discussed his role in paragraph No.82 onwards. The main accused i.e. accused No.1 led the investigating agency to the house of the Applicant and the computer along with the hard disk were seized.

3. Heard Mr. Priyatosh R. Tiwari, learned counsel for the Applicant, Mr. Kuldeep S. Patil, learned counsel for Respondent No.1 and Mr. S. R. Agarkar, learned APP for the State.

4. Learned counsel for the Applicant submitted that the Applicant is not a beneficiary of the amount involved in this case. There is nothing to show that the Applicant was aware that the accused No.1 was printing Kisan Vikas Patras from his computer. He submitted that the sentence is short and the Appeal is not likely to be decided within that short period. He also relied on the two orders passed by this Court in connection with the co-accused Prafulla Kumar Mishra and Rajesh Dahanukar in their respective bail applications. They were co-accused in the same trial and they were also granted bail pending their Appeals.

5. Learned counsel for the CBI opposed this application. He submitted that the very fact that the Kisan Vikas Patras were printed from his printer, shows he had knowledge of what was going on in his house. He has not informed about this to anybody. Therefore he was aware of the conspiracy and about the offence committed by the accused No.1.

6. I have considered these submissions. The sentence imposed on the Applicant is short. The Appeal is not likely to be decided within that period. The Applicant was on bail during the trial. He has not misused the same. The investigating agency has not shown that the Applicant has gained anything unlawfully or he was beneficiary in any manner. Considering all these aspects, the Applicant can be granted bail pending the Appeal.

7. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.986 of 2022, the Applicant is directed to be released on bail on his furnishing PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)