IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3468 OF 2022
IN
CRIMINAL APPEAL [STAMP] NO.17073 OF 2022

Rahul Damodar Ghule ….. Applicant
Versus
The Central Bureau of Investigation
Anti-Corruption Bureau, Pune
and another .... Respondents

Mr. Ashish S. Vernekar, Advocate , for the Applicant.
Mr. H.S. Venegavkar, Special P.P. for Respondent No.1-CBI.
Mr. S.R. Agarkar, APP for the Respondent No.2-State.

CORAM : SARANG V. KOTWAL, J.
DATE : 19th OCTOBER, 2022

P.C. :

1. This is an application for bail pending the applicant's appeal which he has filed against the judgment and order dated 28.3.2022 passed by the Special Judge (CBI-ACB), Pune in Special (ACB) Case No.53/2019.

2. Heard Shri Ashish Vernekar, learned counsel for the applicant, Shri H.S. Venegavkar, learned Special P.P. for the respondent No.1-CBI and Shri S.R. Agarkar, learned APP

for the respondent No.2-State.

3. The appellant was convicted for commission of offence punishable under Sections 120-B, 420 read with 120-B, 468 read with 120-B, 471 read with 120-B of the Indian Penal Code. The major sentence was RI for five years besides imposition of fine. The substantive sentences were directed to run concurrently. The appellant was in custody from 3.8.2021 to 1.2.2022 and, therefore, benefit of set off under Section 428 of Cr.P.C. was given to him.

4. The prosecution case is that the then Branch Head of Bank of Baroda, Pimple Saudagar Branch, Pune had entered into conspiracy with others and vehicles loans were sanctioned in the name of fourteen borrowers. All these transactions were fraudulent and thus it had caused monetary loss to the bank. As far as the present applicant is concerned, the allegations are that he was instrumental in opening an account in the name of a fictitious dealer namely 'M/s.Kunal Moters' in Pimpri Chinchwad Sahakari Bank, Branch at Pimpri. The loan of Rs.7.50 Lakhs for purchasing a

vehicle was sanctioned in the name of the applicant. That loan amount was deposited in M/s. Kunal Moter's account and thereafter it was misappropriated.

5. Learned counsel for the applicant submitted that he was working with one Mr. Chachalani and he had taken signatures on some documents purportedly for opening bank account in the applicant's name to deposit his salary. However, his documents were misused and the applicant was needlessly roped in, in the entire fraud.

6. Learned Special Counsel for the respondent CBI opposed this application. He submitted that there is sufficient documentary evidence to show the applicant's involvement.

7. I have considered these submissions. Out of the substantive sentence of five years, the applicant was already in custody for a period of about five months. Though there are allegations that for certain period he was not available and was absconding, ultimately he faced the trial and was

sentenced for five years. The appeal is not likely to be decided within that period. There is nothing to show and which is also admitted by the Special P.P. for CBI from the record that the applicant was a beneficiary of any amount. Considering this, the applicant can be released on bail. Hence, the following order :

:: O R D E R ::

i. During pendency and final disposal of Criminal Appeal (stamp) No.17073/2022, the applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two sureties in the like amount.

ii. Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

PRADIPKUMAR PRAKASHRAO DESHMANE

Digitally signed by PRADIPKUMAR PRAKASHRAO DESHMANE Date: 2022.10.21 15:11:22 +0530

Deshmane (PS)