

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR**

**Criminal Application (BA) No. 600 of 2021**

Bhaurao S/o Natthuji Nagmoti

**Versus**

The State of Maharashtra, through its Police Station Officer,  
Police Station, Tiroda, Dist. Gondia

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

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Court's or Judge's Order

Shri R.M.Daga, Advocate for the applicant.

Shri T.A. Mirza, APP for the State / Non-applicant

**CORAM : ANIL S. KILOR, J.**

**DATED : 13<sup>th</sup> JUNE, 2022.**

Applicant is seeking regular bail in Crime No. 502 of 2020 registered on 30<sup>th</sup> December, 2020 with Police Station Tiroda, Dist. Gondia for the offence punishable under Sections 406, 409, 420, 465, 467, 468, 471, 477(A) read with Section 34 of Indian Penal Code alongwith Sections 3 and 4 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

2. Learned counsel for the applicant submits that after completion of investigation, the chargesheet has been filed on 26<sup>th</sup> March, 2021. It is submitted that

for more than one and half years, the applicant is in jail and no purpose would be served keeping him in jail after investigation is over. It is submitted that other Directors have already been released on bail. Whereas, bail denied to the applicant on the ground that on the instructions of the applicant concession was granted on interest to the borrowers and thereby defalcation has been committed to the tune of Rs.3,22,09,800/-.

3. Shri Daga, learned counsel for the applicant submits that there is no possibility that the trial would commence in near future and even if it commences, looking to the number of witness it will take long time to conclude. He lastly submits that under all sections except Section 409 of Indian Penal Code, maximum punishment is seven years. Accordingly, he prays for grant of bail.

4. On the other hand, learned Additional Public Prosecutor opposed the application and submits that trial Court has observed while rejecting the bail application of the applicant that, he is the main accused who has instructed all the Branch Managers to give concession to various investors which resulted defalcation of huge amount. Therefore, he prays the application needs to be rejected.

5. I have perused the chargesheet and also the First Information Report.

6. In this case after completion of investigation, the chargesheet has been filed, as such the custody of the applicant is not required. As far as defalcation of amount is concerned, though it is huge but there is no point in keeping the applicant in custody for uncertain period even after completion of investigation. In this case, till date the trial is not commenced and looking to the number of witnesses even if trial commences it will take considerable amount of time to conclude, in the light of situation cropped up because of Covid-19 crisis.

7. There is nothing to show that the applicant would pressurize the prosecution witness or he will tamper with the prosecution evidence or he will not be available for trial.

8. In the above backdrop, I am of the opinion that though the applicant is Chairman and though amount of defalcation is huge for the reasons stated herein above, he is entitled for grant of bail on certain conditions. Accordingly, I pass the following order.

i. It is directed that the applicant shall be released on bail in Crime No. 0502 of 2020 dated 30<sup>th</sup>

December, 2020 registered with Police Station Tiroda, Dist. Gondia for the offence punishable under Sections 406, 409, 420, 465, 467, 468, 471, 477(A) read with Section 34 of Indian Penal Code alongwith Sections 3 and 4 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999, on furnishing P.R.Bond of Rs.1,00,000/- with a solvent surety in the like amount.

- ii. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- iii. The applicant shall not enter into the jurisdiction of Taluka Tiroda till the trial is over.

[ANIL S. KILOR, J.]

SACHINDANAND  
K NAIR

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