

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (BA) No.499/2022

Vikas Kulmethe V State of Maharashtra thr PSO PS Chandrapur City, Chandrapur

Office notes, Office Memoranda of

Coram, appearances, Court's orders

or directions and Registrar's orders.

Court's or Judge's Orders

Shri N.D. Khamborkar, Advocate for applicant.

Shri V.A. Thakare, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 14-07-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.09/2020 dated 04-01-2020 registered with Police Station Chandrapur City, District Chandrapur for the offences punishable under Sections 409, 406, 420 read with Section 34 of the Indian Penal Code.

2. The learned Counsel for the applicant claiming parity in this case as a similarly placed co-accused have been released on bail by the trial Court.

3. He submits that in this case, the investigation is over and the chargesheet has been filed as such his further custody is not required.

4. It is submitted, on instructions, that the applicant is ready to deposit Rs. 5 lakhs, to show his bonafide.

5. On the other hand, learned APP strongly opposes the application and submits that the total amount of defalcation is about 86 Lakhs.

6. However, Shri Khamborkar, learned Advocate for the applicant disputes the same. According to him, the total amount is Rs.74 Lakhs.

7. I have perused the chargesheet, application, reply filed by the State and the orders granting bail to the three co-accused.

8. In this case, the investigation is over and the chargesheet has been filed. There are in all ten accused persons and the total amount of defalcation is about 86 Lakhs. It appears from the orders passed by the trial Court that, three accused persons who were similarly placed with the applicant, have been released on bail and one co-accused was released by this Court on pre-arrest bail.

9. In the above referred backdrop, as the custody of the applicant is no more necessary, I am of the opinion that the applicant is entitled for grant of bail on parity. Further, as he has given undertaking to deposit Rs.5 lakhs to show his bonafide, I pass the following order:-

ORDER

- i) Application is allowed.
- ii) The applicant in Crime No.09/2020 dated 04-01-2020 registered with Police Station Chandrapur city, District Chandrapur for the offences punishable under Sections 409, 406, 420 read with Section 34 of the Indian Penal Code, be released on bail on furnishing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- iii) The applicant shall deposit Rs.5 Lakh in compliance of his undertaking within a period of three weeks from today.
- iv) The applicant shall not tamper with the prosecution evidence.
- v) The applicant shall attend the concerned Police Station on every 1st day of each month between 10.00 am to 12.00 noon, till the culmination of trial.
- vi) Liberty is granted to the State that in case the applicant repeats the similar offence or breach, the State may file application for cancellation of the bail.

(Anil S. Kilor, J.)