

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (BA) NO.554 OF 2022

Vikas S/o Tulsiramji Kalambe

Versus

State of Maharashtra, through P.S.O., P.S. Khaparkheda, Dist. Nagpur

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

Court's or Judge's Order

Shri S.P. Dharmadhikari, Senior Advocate a/b Shri A.S. Band, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 20/07/2022

1. The applicant is seeking bail in Crime No.301 of 2020, dated 23.04.2020, registered with Police Station Khaparkheda, District: Nagpur, for the offences punishable under Sections 403, 406, 409, 420, 467, 468, 477(a), 120(b) read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors Act.

2. Shri Dharmadhikari, learned Senior Advocate for the applicant submits that the applicant was working as a pigmy agent and he also worked as part time cashier.

3. It is pointed out that the audit was conducted for the period 2001-2018 and in the same misappropriation of Rs.1,32,00,000/- came to the fore. Accordingly, the offence was registered against eighteen accused persons including the applicant.

4. It is pointed out that, in this case, the charge-sheet has been filed on 14.01.2022 and except the applicant, all accused are released on bail. He therefore, submits that the applicant is entitled for grant of bail on principle of parity.

5. It is further pointed out that considering the number of witnesses and the fact that there is no progress in the trial, there is no point in keeping the applicant in jail for uncertain period otherwise, it would be pre-trial punishment.

6. On the other hand, Shri V.A. Thakare, learned APP is not disputing the fact that most of the accused persons including the Manager against whom the serious allegations are made, have been released on bail.

7. I have perused the Charge-sheet and First Information Report (FIR).

8. In this case, considering the allegations made in the FIR against the applicant, I am of the opinion that as the Manager was released on bail with the other co-accused persons, the applicant is entitled for grant of bail on principle of parity.

8. Moreover, as the charge-sheet is filed, further custody of the applicant is not necessary. In the circumstances, I pass the following order:

- a) The criminal application is **allowed**.

- b) It is directed that the applicant shall be released on bail in Crime No.301 of 2020, registered with Police Station Khaparkheda, District: Nagpur, for the offences punishable under Sections 403, 406, 409, 420, 467, 468, 477(a), 120(b) read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors Act, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station on 1st of each month between 9.00 a.m. to 12.00 noon, till the culmination of the trial.
- d) The applicant shall not tamper with the prosecution witnesses.
- e) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]