

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

Criminal Application (BA) No. 708 of 2022

Abhiram S/o Jeetbahaddhur Tamang

Versus

State of Maharashtra, through Police Station Officer, Police Station
Nandanwan, Nagpur (Economic Offence Wing)

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

Court's or Judge's Order

Shri A.K.Bhangde, Advocate for the applicant.

Shri N.R.Rode, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 19th DECEMBER, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 550 of 2020 registered with Police Station Nandanwan for the offence punishable under Sections 406, 409, 420 read with Section 34 of Indian Penal Code along with Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 and Section 45(S) of Reserve Bank of India Act.

2. The applicant came to be arrested on 17th February, 2021, whereas the chargesheet was filed on 12th June, 2021. Similarly, co-accused Sanjay

Choudhary who was also to be Director and who resigned on 12th January, 2015 as a Director of the said company was granted bail by this Court on 1st April, 2022 in Criminal Bail Application No. 1321 of 2021. While granting bail to co-accused Sanjay Choudhary, this Court has observed thus:

“A perusal of the charge-sheet would indicate that the applicant has been arraigned only on the ground that he was Director of the company and responsible for the functioning of the company. It is, however, material to note that the applicant had already resigned as the Director of the said company on 12.01.2015. In order to show his complicity, the reliance is placed on the document on record page Nos.1115 to 1119 by the prosecution, which however is of no assistance to the case advanced by the prosecution as all the certificates are of the year 2012 and not after the date of resignation of the applicant. The applicant, is claimed to have benefited to the tune of Rs.5,94,000/- as per Annexure-R II (page 1114). It is, however, also material to note the applicant is resident of Delhi and there is no allegation, that he had been personally to Nagpur to collect money from the investors. That being the case, in my considered opinion, a prima facie case for bail is made out.”

3. Similarly, another co-accused Ram Ratan Thakre and Sureshchandra Bishoyi were also released on bail by this Court vide order dated 20th December, 2021 in Criminal Bail Application Nos. 1152 of 2021 and 1199 of 2021 respectively.

4. In the circumstances, I am of the opinion that the applicant is entitled for grant of bail on the principle of parity. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that the applicants shall be released on bail in Crime No. 550 of 2020 registered with Police Station Nandanwan for the offence punishable under Sections 406, 409, 420 read with Section 34 of Indian Penal Code along with Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 and Section 45(S) of Reserve Bank of India Act, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount;
- iii. 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 to tamper with the evidence;
- v. The applicant shall not leave the country without the permission of the trial Court.
- vi. The application shall remain present each and every occasion before the learned Sessions Court during the course of trial and shall ensure that the trial is not protract on his count.

[ANIL S. KILOR, J.]

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