

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

CRIMINAL APPLICATION (BA) NO. 765 OF 2022

Ganesh Patruji Wanode **Versus** State of Maharashtra, through PSO PS City Police Station, District Chandrapur.

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

Court's or Judge's Order

Shri S.V.Sirpurkar, counsel for the applicant.

Shri V.A.Thakre, APP for the non-applicant No/State.

CORAM : ANIL S. KILOR, J.

DATED : 26/07/2022

1. 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 Section 406, 409, 420 read with Section 34 of the Indian Penal Code and Section 3 of MPID Act.

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 charge-sheet has been filed, as such 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 Sirpurkar, learned counsel for the applicant disputes the same. According to him, the total amount is Rs. 74 Lakhs.

7. I have perused the charge-sheet, 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 charge-sheet has been filed. There are in all then 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:-

- a) The criminal application is **allowed**.
- b) The applicant in Crime No. 09 of 2020, dated 04/01/2020, registered with Police Station Chandrapur City, District Chandrapur, for the offences punishable under Sections 406, 409,

420, read with Section 34 of the Indian Penal Code, 1860 and Section 3 of MPID Act, be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

- c) The applicant shall deposit Rs. 5 Lakh in compliance of his undertaking within a period of three weeks from today.
- d) The applicant shall not tamper with the prosecution evidence.
- e) The applicant shall attend the concerned Police Station on every 1st day of each month between 10.00 a.m. to 12.00 noon, till the culmination of trial.
- f) Liberty is granted to State that in case the applicant repeats the similar offence or breach, the State may file application for cancellation of bail.

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

[ANIL S. KILOR, J.]