

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

CRIMINAL APPLICATION (BA) NO. 792 OF 2022

Ali s/o Nawazsab Patel **Versus** State of Maha., thr. PSO., PS Wardha (City), District Wardha.

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

Court's or Judge's Order

Shri C.B.Barve, Counsel for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 14/07/2022.

1. The applicant is seeking bail in connection with Crime No. 1322/2021, registered with Police Station Wardha (City), District Wardha, for the offences punishable under Sections 406, 407, 420, 467, 468, 471, 120B, read with Section 34 of the Indian Penal Code, 1860 and Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999.

2. Shri C.B.Barve, learned counsel for the applicant is claiming parity and submits that co-accused, whose role in comparison with the applicant is serious, has been released on bail.

3. Learned counsel for the applicant submits that the applicant was not named in the FIR and no role is attributed against the applicant.

4. He further submits that after completion of the investigation, the charge-sheet is filed, as such, his custody is no more required.

5. On the other hand, learned APP strongly opposed the present application and submits that sufficient incriminating material is there against the applicant. Accordingly, he prays for rejection of the present application.

6. I have perused the Charge-sheet, Application and the Reply filed by the State.

7. On perusal of the FIR, it can be seen that the applicant was not named in the FIR.

8. After completion of the investigation, the charge-sheet has been filed, as such custody of the applicant is not necessary.

9. Moreover, there is no incriminating material available against the applicant, particularly to show that the applicant is the Director or Partner in the said company. Furthermore, as the co-accused Ashish Wankhede has already been released on bail, I am of the opinion that, the applicant is entitled for grant of bail on parity. Accordingly, I pass the following order:

i) The criminal application is **allowed**.

ii) It is directed that the applicant shall be released on bail in connection with Crime No.

1322/2021, registered with Police Station Wardha (City), District Wardha, for the offences punishable under Sections 406, 407, 420, 467, 468, 471, 120B, read with Section 34 of the Indian Penal Code, 1860 and Section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999, on furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount.

iii) The applicant shall attend the concerned Police Station on 1st and 16th of each month between 10.00 a.m. to 12.00 noon.

f) The State is at liberty to move application for cancellation of bail, in case of breach of any condition or the applicant repeats the similar offence.

The criminal application is **disposed of** accordingly

[ANIL S. KILOR, J.]