

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

CRIMINAL APPLICATION (ABA) NO.607 OF 2021

(SANTOSH BABARAO SARDAR....VS.. STATE OF MAH. THR. PSO PS GADGE NAGAR, AMRAVATI.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.Z.Gharde, Advocate for Applicant.
Ms Shamsi Haider, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : JULY 08, 2022.

1. Heard.
2. This is an application under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail in connection with Crime No.2420 of 2021, registered with Police Station, Gadge Nagar, Amravati for the offences punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code.
3. In this case allegations against the applicant are that the applicant has assured the complainant to deposit the amount in Karmiksha Nidhi Bank Ltd. on the pretext of giving loan after six months but the applicant has neither gave loan nor refunded the amount to the complainant and closed the Bank and thereby breached the trust of the complainant by deceiving him for Rs.1,10,800/-.

4. This Court, vide order dated 15/09/2021, granted anticipatory bail to the applicant on a statement of the applicant that the applicant bank is ready to pay the amount after recovering the same from the customers.

5. The learned counsel for the applicant submits that the applicant has not only paid Rs.1,10,800/- to the complainant, but thereafter, the amount was paid to many depositors who have subsequently made complaints to the police.

6. He further submits, on instructions, that the applicant undertakes to pay the amount of Rs.2,47,000/- to 11 such depositors, names of whom are mentioned in the affidavit of the State, dated 6th July 2022, within next six months.

7. The applicant is on *ad-interim* anticipatory bail from last about 10 months and during this period, to show his boanfides, he has paid the amount to the complainant and other depositors.

8. Considering this fact, I am of the opinion that as the custody of the applicant is not required and as he has given undertaking before this Court that he will pay the amount to the other 11 depositors, I am of the opinion that the *ad-interim* anticipatory bail, granted to the applicant needs to be confirmed. Accordingly, I pass the following order:

- i) The application is allowed.
- ii) The order dated 15/09/2021 granting *ad-interim* anticipatory bail is confirmed.
- iii) The applicant shall attend the concerned Police Station as and when his presence is required.
- iv) The State is at liberty to move for cancellation of bail in case the applicant fails to pay Rs.2,47,000/- to the 11 depositors, referred above, in next six months, as per his undertaking before this Court.

The Criminal Application is **disposed of** accordingly.

JUDGE

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