

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

Criminal Application (BA) No. 882 of 2022

Shankar S/o Prahlad Shrinath and another

Versus

The State of Maharashtra, through Police Station Officer,
Chandrapur City, Economic Offence Branch, Tq & Dist. Chandrapur

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

Court's or Judge's Order

Shri A.D.Hazare, Advocate for the applicant.

Shri T.A. Mirza, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 10th August, 2022.

The applicants have 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 Sections 409, 406, 420 read with Section 34 of the Indian Penal Code and Section 3 of Maharashtra Protection of Interest of Depositors Act, 1999.

2. The learned Counsel for the applicants 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 chargesheet has been filed as such his 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 Hazare, learned Advocate for the applicant disputes the same. According to him, the total amount is Rs.74 Lakhs.

7. I have perused the chargesheet, 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 chargesheet has been filed. There are in all ten 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 applicants, 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:-

- i. Criminal application is allowed;
- ii. The applicants in Crime No.09/2020 dated 04-01-2020 registered with Police Station Chandrapur city, District Chandrapur for the offences punishable under Sections 409, 406, 420 read with Section 34 of the Indian Penal Code and Section 3 of Maharashtra Protection of Interest of Depositors Act, 1999, be released on bail on furnishing P.R. Bond of Rs. 25,000/- each with one solvent surety in the like amount;
- iii. The applicants shall deposit Rs.5 Lakh each in compliance of their undertaking within a period of eight weeks from today;
- iv. The applicants shall not tamper with the prosecution evidence;
- v. The applicants shall attend the concerned Police Station on every 1st day of each month between 10.00 am to 12.00 noon, till the culmination of trial;

vi. Liberty is granted to the State that in case the applicants repeats the similar offence or breach, the State may file application for cancellation of the bail.

[ANIL S. KILOR, J.]

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.08.11
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