

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 299 OF 2023**

Hanumant Sambhaji Kemdhare ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Akhilesh Dubey a/w Mr. Uttam Dubey a/w Mr. Suhas Kadu i/b Law
Counsellors for the Applicant.

Mr. V. B. Konde-Deshmukh, APP for the State.

.....

CORAM : N.R. BORKAR, J.

DATED : 2 MARCH 2023

P.C. :-

1. This is an application under Section 439 of Code of Criminal
Procedure for bail.

2. The applicant came to be arrested in Crime No. 367 of 2021
registered at Shikrapur Police Station, Pune Rural for the offences
punishable under Sections 420, 465, 467, 468, 471 and 120B read with
34 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned
APP for the respondent – State.

4. According to the prosecution, the present applicant and his wife had
availed the loan of Rs.2.50 crores from the Shivajirao Bhosale Sahakari

Bank by submitting forged documents. The learned counsel for the applicant submits that the loan was availed by mortgaging the properties owned by the applicant. It is submitted that the applicant has no objection, if the said properties are auctioned and the loan amount is recovered.

5. The learned APP, on instruction, does not dispute the fact that the loan was obtained by mortgaging the properties.

6. The applicant is in jail for more than 1 and ½ years. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] Bail Application is allowed.

B] The applicant- Hanumant Sambhaji Kemdhare be released on bail in C.R. No. 367 of 2021 registered at Shikrapur Police Station, Pune Rural for the offences punishable under Sections 420, 465, 467, 468, 471 and 120B read with 34 of the Indian Penal Code on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The prosecution is at liberty to move an application for cancellation of bail, if the applicant objects to the auction of mortgaged properties.

(N.R. BORKAR, J.)