



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.671 OF 2023

SHRAVAN SHRIPATI HATAGALE

..APPLICANT

VS

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Munira Palanpurwala a/w Adv. Deepa Amati for the
applicant.

Mr. Mahesh Mule, Special P.P. a/w Adv. Nidhi Narwekar for
respondent.

Uttara Jadhav, PI, CID, Pune.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 23, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned
Special Public Prosecutor for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 409, 418, 420, 467, 468, 471,
120-B read with 34 of the Indian Penal Code (hereafter
'IPC' for short) read with Sections 13(1)(c), 13(1)(d) read
with 13(2) of the Prevention of Corruption Act, 1988,
registered vide First Information Report (FIR) No.135 of
2015 with Shivaji Nagar Police Station, Beed.

3. The applicant is the accused No.3. The applicant was arrested on 07.10.2017 and now he is in custody for more than five years and ten months. The co-accused – Sachin Ashok Kamble was granted bail by this Court by an order dated 03.02.2023. The application of Sachin Ashok Kamble was vehemently opposed by learned Special Public Prosecutor. In paragraph 9 and 10 it is observed thus :-

“9. I have also noted that this Court expedited the trial and directed that an endeavour shall be made to complete the trial within a period of one year.

10. No doubt, the trial has been stayed at the instance of the co-accused by this Court. The fact is that the applicant is languishing in custody for more than five years and three months. The trial is not protracted at his behest. The co-accused who was having similar role as that of the applicant i.e. Bapurao Nekte has been released on bail on February 8, 2016, the same being a default bail. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. No fruitful purpose will be served by prolonging the custody of the applicant and even the applicant can be granted the facility of bail on the ground of long incarceration. The applicant will face the consequences of the decision by the trial Court but the custody cannot be continued as and by way of a pre-trial punishment.”

4. The only difference in case of the present applicant is that he signed the cheques of Rs.4,57,00,000/- whereas in

respect of Sachin Ashok Kamble he signed the cheque of Rs.50,00,000/-.

5. Even this application is opposed by the learned Special Public Prosecutor.

6. Be that as it may, on the ground of long incarceration and as the other accused having similar role were released on bail and the main accused i.e. Ramesh Kadam has been granted bail, I am inclined to enlarge the present applicant on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Shravan Shripati Hatagale in connection with FIR No.135 of 2015 with Shivaji Nagar Police Station, Beed, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(c) The applicant be released on provisional cash bail of Rs.25,000/- for a period of six weeks from today.

(d) The applicant shall report to the Investigating Officer of the Shivaji Nagar Police Station once in a month on every first Monday, between 11.00 a.m. and 1.00 p.m.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) It is made clear that the observations made herein are prima facie in nature, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

7. The application is disposed of.

(M. S. KARNIK, J.)