



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

BAIL APPLICATION NO.708 OF 2024

Prakash S/o Vitthal Apet,
Age-45 years, Occu:Business,
R/o-Girwali, Tq-Ambajogai,
District-Beed.

...APPLICANT

VERSUS

The State of Maharashtra,
Through Police Inspector,
Ambajogai Police Station,
Tq-Ambajogai, District-Beed.

...RESPONDENT

...
Mr. V.D. Sapkal, Senior Advocate i/b. Mr. S.R. Sapkal
Advocate for Applicant.
Mr. S.D. Ghayal, A.P.P. for Respondent – State.
...

CORAM: S.G. MEHARE, J.

DATE : 27th JUNE 2024

ORDER :

1. Heard learned senior counsel for the applicant and learned APP for the State.

2. The applicant seeks bail in Crime No. 148 of 2023 registered with Ambajogai City Police Station, Taluka-Ambajogai,

District-Beed for the offence punishable under Sections 420, 468, 471, 120-B read with Section 34 of the Indian Penal Code.

3. The accused has been booked for the above offences on the allegation that he has secured loan from the complainant under the pretext that the goods kept in the godown were belonging to him. However, subsequently it was discovered that the employees of the complainant in collusion with the applicant played fraud and raised the loan.

4. Learned senior counsel for the applicant would submit that on similar allegations another crime is registered. He fairly conceded that conditional anticipatory bail was granted to the applicant to deposit the money but as applicant could not deposit the money, the anticipatory bail was rejected. Now he has produced the bank statement that till date more than Rs.24,00,000/- have been deposited against the outstanding loan of Rs.16,00,38,884/-.

5. It seems to be a criminal recovery proceeding for the loan and other debts. Be that as it may, the charge-sheet has been filed. Nothing has to be recovered from the applicant. He paid substantial loan amount and showed his bona fides. The

complainant cannot insist through the learned APP to direct the applicant for depositing the remaining balance amount. His detention appears not essential.

6. For the above reasons, following order is passed:

ORDER

(I) Bail Application stands allowed.

(II) The applicant – Prakash S/o Vitthal Apet be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in the above crime, on the condition that:-

(a) The applicant shall not tamper with the prosecution witnesses.

(b) The applicant shall attend the trial on each and every effective date.

[S.G. MEHARE, J.]