

V/s.

State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.2719 OF 2024

Haribansh Tiwari

V/s.

State of Maharashtra and Anr. ... Respondents

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Date: 2024.07.25
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Mr. Rajiv Chavan with Viresh Purwant in BA/919/2024, for the applicant.

Mr. Sameer Mangaonkar, APP, for the Respondent/State.

Mr. Yogendra Pendse with Priyanka Patkar, for the applicant in IA.

Mr. Vijay Patil, API, Crime Branch, Solapur City, Present.

CORAM : ANIL S. KILOR, J.

DATE : 24TH JULY, 2024.

PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.585 of

2023, registered with Fauzdar Chawdi Police Station, Solapur for the offences punishable under Sections 408, 465, 467, 468, 471, 477(A), 420 (B) of the Indian Penal Code, 1860 (for short, 'IPC').

3. It is the case of the prosecution that 81 loan cases were sanctioned after taking gold as a mortgage and subsequently, as far as the present applicant is concerned, his gold was returned back to him. Furthermore, the allegation against the applicant is that he received Rs. 2 lakh and odd towards commission in the said transaction. However, after going through the charge-sheet and considering the material collected by the IO, it is evident that against the amount paid to the applicant Rs. 2 lakh and odd, Rs. 35 lakh have been seized and at the same time gold was recovered from him.

4. The applicant is in jail from 07.10.2023 and after his arrest on completing the investigation, the charge-sheet has been filed.

5. In the circumstances, even if the case of the applicant is not considered on parity with the accused no. 4 who has been released on bail for the reason that the application for cancellation of bail against the accused No. 4 is pending before this Court, on merit I am of the opinion that the applicant is entitled for grant of bail.

6. In the circumstances, though the learned APP and the learned counsel for the complainant are opposing the bail application on the ground that the applicant actually participated in the offence and he had complete knowledge about the alleged transaction, considering the nature of the evidence against the applicant and

recovery made from the applicant, I am of the opinion that the application needs to be allowed. Accordingly, the application is allowed.

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.585 of 2023, registered with Fauzdar Chawdi Police Station, Solapur for the offences punishable under Sections 408, 465, 467, 468, 471, 477(A), 420 (B) of the Indian Penal Code, on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- iv) Liberty is granted to the State for cancellation of bail in case of there is breach any condition or if the applicant commits any serious offence.
- vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial.

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

(ANIL S. KILOR, J)