

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

CRIMINAL BAIL APPLICATION NO.2486 OF 2024

Sukanta Ranjit Bhowmik ...Applicant

Vs.

State of Maharashtra ...Respondent

WITH

CRIMINAL INTERIM APPLICATION NO. 2810 OF 2024

IN

CRIMINAL BAIL APPLICATION NO. 2486 OF 2024

Suhas Shivappa Nagannawar & Anr. ...Applicants

Vs.

State of Maharashtra & Anr. ...Respondents

Mr. Prabhanjay R. Dave a/w Pradeep P. Kumawat, Advocate for Applicant.

Mr. Anand Patil, Advocate for Applicant in I.A. No. 2810 of 2024

Ms. Veera Shinde, APP for Respondent-State.

Mr. Bharat Salunkhe, API, Rajarampuri Police Station is present.

CORAM:- ANIL S. KILOR, J.

DATED:- 04 December, 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. 27 of 2022 registered with Rajarampuri Police Station, District Kolhapur, for the offences punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code, 1860, Section 21 of the Banning of Unregulated Depository Scheme Act, 2019 and Section 3 of Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

3) The default in payment of some amount, which was promised to the informant is dated back to 2017 of which on default the police complaint was lodged on 22.01.2022 i.e. after 5 years without any probable explanation for such delay. The explanation that the co-accused i.e. Mr. Ranade, gave promises if given importance, then, he has already been released on bail.

4) There was an agreement between the parties about the payment and from that point of view, if the payment allegedly not made by the Applicant, it is nothing but a breach of condition of the agreement.

5) In the above referred backdrop considering the fact that the charge-sheet has been filed in the present matter, coupled with the affidavit filed by the wife of the Applicant that after the release of the Applicant on bail, an amount of Rs. 10 lakhs will be deposited with the trial Court and shall also attend the trial regularly, I am of the opinion that the Applicant is entitled for grant of bail.

6) The Learned APP on the other hand strongly opposed the application on the ground that there are 3 antecedents of similar nature.

7) Further, the learned Counsel for the informant has placed reliance upon the judgment of Hon'ble Supreme Court of India in the case of '*Manik Madhukar Sarve & Ors. V/s. Vitthal Damuji Meher & Ors*')¹ to oppose the application. However, in the said case, there was no delay in lodging the complaint as in the present matter. Hence, the said authority is not of much assistance to the applicant.

8) Thus, in the above-referred facts and circumstances, by accepting the affidavit filed by the wife of the Applicant and considering the same as an undertaking given by the Applicant himself as stated by the learned counsel for the applicant, on instructions, I pass the following order:

ORDER

- i) The Bail Application is allowed;
- ii) It is directed that the Applicant shall be released on bail in Crime No. 27 of 2022 registered with Rajarampuri Police Station, District Kolhapur, for

1 Criminal Appeal No.3573 of 2024 @ SLP (Criminal) No. 3945 of 2022.

the offences punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code, 1860, Section 21 of the Banning of Unregulated Depositary Scheme Act, 2019 and Section 3 of Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii) The applicant shall attend the Rajarampuri Police Station, District Kolhapur on 1st and 16th day of each month between 5.00p.m and 6.00 p.m. till the conclusion of the trial, except on the date of trial;

iv) 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;

v) The Applicant shall surrender his passport to the Investigating Officer immediately after release on bail.

vi) Liberty is granted to the State to apply cancellation of bail if the applicant misuses the liberty granted or commits breach of any condition;

vii) The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]