



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

BAIL APPLICATION NO.3783 OF 2023

MOHAN RAJESHYAM NALLA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Akash Kavade i/b Adv. Abdul Quadir for the applicant.
Ms. Megha S. Bajoria, APP for the State.
P.S. Ombase, Fauzdar Chawadi Police Station, Solapur City.

CORAM : M. S. KARNIK, J.

DATE : MARCH 18, 2024

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 420, 406, 409 read with 34 of the Indian Penal Code registered on 25/04/2023 vide C.R. No.254 of 2023 with Fauzdar Chawadi Police Station, Solapur City.
- 3.** By order dated 20/12/2023, in Bail Application No.2500 of 2023, accused No.1 Siddheswar Parshuram Bhise was enlarged on bail. The relevant portion of the said order will

cover the facts of the present case which reads thus:

"2. This is an application for bail in respect of the offence punishable under sections 420, 406, 409 read with 34 of the Indian Penal Code, 1860 registered on 25/04/2023 vide C.R. No.254 of 2023 with Fauzdar Chawadi police station, Solapur City.

3. There are 2 accused in all. The applicant is the accused no.1. The applicant was arrested on 25/04/2023.

4. Learned APP opposed the application for bail by submitting that the applicant apart from being responsible for the misappropriation of Rs. 24,70,596/- being a field officer of financial institution, he is the beneficiary of Rs. 11,19,600/-. The prosecution case is that during the period between 21/08/2018 and 06/01/2023, the first informant was working as a branch manager at Bharat Finance Limited, South Solapur, A-branch. Thereafter he was attached to Pandharpur branch as a Unit Manager. The applicant while working as a field officer used to sanction loan and collect weekly installment for making payment in finance company. The applicant sanctioned the loans to 73 ladies who belong to Bachat Gat to start up the business. The co-accused Mohan Nalla obtained their Aadhar Cards and thumb impressions and transferred the amount in his own account. He had obtained 10% commission and transferred remaining amount to the present applicant. Hence, the complaint was lodged."

4. The allegations are mainly against accused No.1 who is enlarged on bail. Learned counsel for the applicant, on instructions, submitted that the applicant will voluntarily deposit a sum of Rs.2,00,000/- with the trial Court within a period of 8 weeks from today. The statement is accepted as an undertaking to this Court.

5. Learned APP opposed the application.

6. The applicant was arrested on 25/04/2023 and is now in custody for a period of 11 months as an undertrial. The charge-sheet is filed and the investigation is complete. Though learned APP opposed the application, I am inclined to enlarge the applicant on bail as the prime accused has been already enlarged on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Mohan Rajeshyam Nalla in connection with C.R. No.254 of 2023 registered with Fauzdar Chawadi Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Fauzdar Chawadi police station once in three months, first Monday of the concerned month, between 11.00 a.m. and 1.00 p.m., commencing April-2024.

(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) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport to the investigating officer. If the applicant does not have a passport, the applicant shall file an affidavit before the trial Court to that effect.

(i) The applicant to abide by the undertaking given to this Court.

7. The application is disposed of.

(M. S. KARNIK, J.)