IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.64 OF 2024
(Vijay s/o Prakash Honale Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

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Mr. A.J. Thakkar, Advocate for the applicant.
Ms S. Thakur, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 1, 2024.

By preferring this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure. The applicant came to be arrested on 24/07/2021 in connection with Crime No.389/2023 registered with Police Station Chikhali, District Buldhana for the offence punishable under Sections 406, 409, 420, 468 and 471 of the Indian Penal Code, 1860.

2. As per the allegation, the company Drushti Development and Communication Ltd., Delhi entered into contract with the State Bank of India for business growth and business correspondence multi-services financial inclusion on 27/09/2022. As per the agreement, said company appointed wife of the present applicant namely Ratna Vijay Honale to run consumer service centre and the present applicant was helping her. It is alleged that several persons have deposited the amount with her to deposit the same in the State Bank of India which she has not deposited and misappropriation committed was of

Rs.25,08,615/-. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the present applicant is concerned who was helping his wife in the alleged transaction. It is his wife who has not deposited the amount, and therefore, it is alleged that she has misappropriated the said amount. He submitted that there is no direct involvement of the present applicant in the alleged offence. Now, investigation is completed and charge-sheet is filed. The applicant is arrested prior to one year. Considering now investigation is completed and charge-sheet is filed though economic offence is there, the applicant deserves to be released on bail.

4. Learned APP strongly opposed the said application on the ground that the wife of the applicant has misappropriated the huge money which is a public money and the applicant is also involved in the said crime. Considering the public money is involved, the application deserves to be rejected.

5. I have heard learned Counsel for the both the parties. Perused the recitals of the FIR as well as the investigation papers from which it reveals that the wife of the present applicant was obtaining the amount from the various customers to deposit it in the State Bank of India. She was allotted with the consumer service centre and by taking benefit of the same she has misappropriated the

amount. As far as present applicant is concerned allegation is that he has also assisted the wife in committing the said transaction, and therefore, offence is made out against him. There is no dispute as to the fact that the public money is involved as various investors have invested the amount by taking help of the said consumer service centre but the said amount was not deposited by the present applicant or his wife. The *prima facie* case is already made out but at the same time, it is well settled that grant of bail is a rule and jail is an exception. The Hon'ble Apex Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation, [(2022) 10 SCC 51]*** wherein considered the nature of the offence as economic offence and by referring the decision of ***P. Chidambaram Vs. Directorate of Enforcement, (2020) 13 SCC 791*** and ***Sanjay Chandra v. CBI [(2012) 1 SCC 40]*** observed that we are conscious of the fact that the accused are charged with economic offences of huge magnitude. We are also conscious of the fact that the offences alleged, if proved, may jeopardise the economy of the country. At the same time, we cannot lose sight of the fact that the investigating agency has already completed investigation and the charge-sheet is already filed before the Special Judge, CBI, New Delhi. Therefore, their presence in the custody may not be necessary for further investigation.

6. Similar are the facts in the present case. The investigation is already completed and charge-sheet is

already filed, further custody of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Vijay s/o Prakash Honale in connection with Crime No.389/2023 registered with Police Station Chikhali, District Buldhana for the offence punishable under Sections 406, 409, 420, 468 and 471 of the Indian Penal Code, 1860, be released on bail on executing P.R. Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station once in a month i.e. first day of every month and the Investigating Officer shall record his presence.

(iv) The applicant shall not leave the jurisdiction of Buldhana District without prior permission of the Buldhana District Court.

(v) The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

(vi) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*