

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK

AT – NASHIK.

(Presided over by Mr. M. H. Shaikh)

Criminal Bail Application. No.64 of 2022

CNR No. MHNS010001862022



Vivek Raju Kharat

Age : 25 years, Occ : Service

R/o : House No.304, Sai Nagar,

Magar Mala, Jakat Naka, Nashik-Road

Dist. Nashik.

... Applicant/accused.

V/S

State of Maharashtra

Through Mumbai Naka Police Station.

(C. R. No. I-247/2021)

... Respondent.

Appearance :

Ld. Adv. Shri. A. C. Pradhan for Applicant.

Ld. A.P.P. Shri. Kadve for Respondent.

Shri. Sajid Mansuri, API. (I.O.) present.

ORDER BELOW EXH. NO.1

(Delivered on 19th January, 2022)

1. Read the application and the say filed by the respondent at Exh.4. Heard Ld. Advocate for the applicant and Ld. A.P.P. for the State.
2. The Crime stood registered against the applicant bearing C.R. No.I-247/2021 under Sections 420 & 406 of the Indian Penal Code for an allegations that he was the Recovery Officer of the Bank and he had misappropriate the amount of the borrowers and cheated the Bank.
3. This is the second bail application filed by the applicant.

The first bail application was turned down by this Court as certain defaulters had filed an application with the I.O. and in that regard, the investigation was to be carried-out. On that ground, the first application came to be rejected. It is informed to the Court that the Charge-sheet is filed in this matter. Therefore, one can safely conclude that the investigation of this Crime is completed. As far as, change in circumstances is concerned, as it was there when the first application was rejected. Certainly, this Court finds that there is a change in circumstances because investigation is over. Therefore, the applicant in hand is maintainable.

4. As far as the merits of the case is concerned, the allegations and counter allegations shall be dealt with by the Ld. J.M.F.C. Court at the time of trial. This Court is call upon to ascertain whether the applicant will remain present before the Court during the course of trial and whether he will threaten or pressurize the complainant. As far as these two apprehensions of the respondent is concerned, those can be taken care by imposing certain conditions. Just because nothing has been recovered from him and the Bank will initiate the proceeding against him to recover the amount, therefore the applicant should not be released on bail, does not appeal to this Court. The applicant can not be kept behind the bar for the indefinite period. The offences alleged are triable by the Ld. J.M.F.C.. Therefore, this Court finds that the application succeeds. Hence, the order.

ORDER

1. Criminal Bail Application No.64/2022 is allowed.
2. Applicant Vivek Raju Kharat be released on bail on his executing a personal bond of Rs.15,000/- with one solvent surety in like amount to the satisfaction of the concerned J.M.F.C. Court.

3. Applicant Vivek Raju Kharat not to threaten and pressurize the complainant and witnesses.
4. Applicant Vivek Raju Kharat to remain present before the Ld. J.M.F.C. on each and every date except exempted by the Ld. J.M.F.C.
5. Bail before the Ld. J.M.F.C.
6. In the above terms, the Criminal Bail Application No.64/2022 stands disposed off accordingly.

Place : Nashik.
Date : 19/01/2022

(M. H. Shaikh)
Additional Sessions Judge, Nashik.