

CNR No. MHPU01157452024



Central Bureau of Investigation (C.B.I.), Pune.  
Anti-Corruption Branch, Pune

Vs.

Shivanand and others

**ORDER BELOW EXH. 4**

1] The applicant/accused No.1-**Shivanand Babu Patkar**, appeared before this Court today in pursuance of the service of summons issued against him. He filed application for accepting his surrender before this Court vide application Exh.2. The said application has been allowed and the applicant/accused has been taken in Judicial custody.

2] The applicant/accused also moved an application under section 483 of The Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS) for grant of regular Bail in connection with Crime No. RC/122/2023/A/0006 registered with C.B.I., A.C.B., Pune for the offences punishable under Sections 120B read with section 420, 465, 468 and 471 of the Indian Penal Code (IPC) and under Sections 7(c) of the Prevention of Corruption Act, 1988.

3] Perused application and say filed by Ld. Spl. PP. for CBI. Also perused charge-sheet and record. Heard both sides.

4] It is contended on behalf of the applicant/accused that the applicant/accused is permanent resident of Pune and having deep root in the society. He has been falsely implicated in the present case. The investigation

in the present crime is completed and charge-sheet has been filed, therefore, custody of applicant/accused is no more required for any kind of investigation. The applicant/accused was not arrested during investigation, so it will be unjustifiable to send him behind bars at this stage. The applicant/accused is ready to furnish surety and ready to abide by all terms and conditions imposed by the this Court while releasing him on bail. Hence, it is prayed to release the applicant/accused on bail.

5] Per contra Ld. Spl. P.P. opposed the application contending that there is sufficient evidence against applicant/accused for alleged offences. If he is released on bail, then he may evade process of trial and may tamper evidence and may create hurdle in trial. Therefore, it is prayed to reject the application.

6] On perusal of charge-sheet, it appears that Mr. Seshu Babu Palle, the Deputy General Manager of State Bank of India, Administrative Office, Pune lodged report with the CBI alleging that Aditya Sethia by hatching conspiracy with co-accused has sourced five luxury cars and by forging documents deceived the bank to the tune of Rs.19,38,90,404/-. On the basis of report offences punishable under Sections 120B read with section 420, 465, 468 and 471 of the Indian Penal Code (IPC) and under Section 13(2) read with section 13(1)(a) of the Prevention of Corruption Act, 1988 have been registered against Aditya Sethia and others vide FIR No. RC/122/2023/A/0006. It further appears that the CBI conducted investigation and filed charge-sheet against accused persons. Thereafter, the CBI filed sanction for the prosecution against present applicant/accused and accused No.2-Amar Kulkarni. It further appears that after perusal of charge-

sheet and record, the summonses were issued against the accused persons for the offences mentioned in Para No.2 of this order.

7] It is pertinent to mention here that though there is *prima facie* case against the applicant/accused in the commission of the alleged offences, however, the same is not sufficient to deny the bail to applicant/accused and to send him behind bars, in such case, where he was not arrested during entire investigation till filing of charge-sheet. At this stage, this Court has to see whether the applicant/accused will be available for trial or not and the same can be taken care of by imposing certain condition upon the applicant/accused while releasing him on bail. Therefore, considering the facts and circumstance of the case, I am inclined to exercise the discretion in favour of applicant/accused to release him on bail on certain conditions to safeguard the interest of prosecution. Hence, I proceed to pass following order:

- i) Application (**Exh.4**) for bail is hereby allowed.
- ii) Applicant/accused **No.1- Shivanand Babu Patkar**, be released on executing Personal Recognizance Bond of Rs.50,000/- with one solvent surety in the like amount, in connection with crime No. RC/122/2023/A/0006 registered with CBI-ACB, Pune for the offences punishable under Sections under Sections 120B read with section 420, 465, 468 and 471 of the Indian Penal Code (IPC) and under Sections 7(c) of the Prevention of Corruption Act, 1988, on the following conditions:-

- a) The applicant/accused shall make himself available for interrogation by the Investigating Officer, if any, as and when required by issuing written notice.
- b) Applicant/accused shall not leave India without prior permission of this Court.
- c) The applicant/accused shall not contact informant or witnesses by any mode or manner till the conclusion of trial.
- d) The Applicant/accused shall attend date of proceeding during trial, regularly, unless exempted.
- e) The Applicant/accused shall not commit an offence similar to the offence of which he is accused, or any other offence.
- f) The Applicant/accused shall file proof of his permanent residential address and address proof of his one relative (excluding his parents and siblings) at the time of furnishing surety.
- g) The applicant/accused shall also furnish his Email address and current mobile number on record of this case.
- h) The Applicant/accused 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 such facts to the Court or to any officer or tamper with the evidence.

- iii) Failure of any of the above conditions, prosecution will be entitled to move an application for cancellation of bail of applicant/accused.

Pune  
Date : 10/12/2024.

(R. R. Mendhe)  
Special Judge, CBI-ACB,  
Pune.

**CERTIFICATE**

I affirm that the contents of this P. D. F. file Order are same word for word as per original Order.

Name of the Court:- Shri. R. R. Mendhe  
Special Judge CBI-ACB, Pune

Name of the Steno:- Smt. I. E. Deshmukh  
Stenographer (Grade-I)

Date of Order :- 10/12/2024

Order signed by  
presiding officer :- 10/12/2024

Order uploaded on :- 11/12/2024