

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No.2711/2004

(From the judgement and order dated 23/06/2004 in CRLA No.1421/2004  
of the HIGH COURT OF BOMBAY AT NAGPUR)

PANDURANG BALIRAMJI KHARAD & ANR.

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(With appln(s) for bail and office report)

Date: 25/10/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner(s)

Mr. A.V. Savant, Sr. Adv.

Mr. R.K. Deshpande, Adv.

Mr. Aniruddha P. Mayee, Adv.

Mr. Sanjeev Chaudhary, Adv.

For Respondent(s)

Mr. Mukesh K. Giri, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard the learned counsel for the parties for a while.

Leave granted.

The criminal appeal is disposed of.

[ T.I. Rajput ]

Court Master

[ Shelly Sengupta ]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1209 OF 2004

(Arising out of S.L.P. (Cr1.) No.2711 of 2004)

Pandurang Baliramji Kharad & Anr.

...Appellant(s)

Versus

State of Maharashtra

...Respondent(s)

O R D E R

Heard the learned counsel for the parties.

Leave granted.

The appellants are aged seventy nine and seventy six years' old respectively. The learned counsel for the State opposed the petition for bail on the ground that the appellants are not available for investigation. He also submitted that it is a case of misappropriation of huge amount and for the purpose of investigation, the custody of the appellants is required.

Per contra, the learned senior counsel for the appellants submitted that the appellants were never called by the investigating agency for the purpose of investigation. He added that the appellants are ready and willing to cooperate with the investigation and they are also ready to appear at the police station concerned for investigation, as and when required by the investigating officer, between 10.00 a.m. and 5.00 p.m.

.2/-

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Having regard to the facts and circumstances of the case, we grant bail to the appellants, subject to their furnishing personal bonds in the sum of Rupees two lakhs each with two sureties for the like amount and subject to the following

conditions:

- (1) that the appellants shall make themselves available, as and when required by the investigating officer for the purpose of investigation, between 10.00 a.m. and 5.00 p.m. on any day;
- (2) that the appellants shall also cooperate with the investigating agency and

they shall produce all the records available with them;

(3) that the appellants shall not tamper with the records and evidence.

In case the appellants do not cooperate or attend, as and when required by the investigating agency, it is open to the investigating agency to move this court for cancellation of bail granted to them.

The criminal appeal is, accordingly, disposed of.

.....J.

[SHIVARAJ V. PATIL]

.....J.

[B.N. SRIKRISHNA]

New Delhi,

October 25, 2004.