

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAILAPPLICATION NO. 2150 OF 2014

Shri Suhas Balkrishna Patil	...	Applicant
vs.		
The State of Maharashtra	...	Respondents

Mr.Prashant Gurav,Advocate for the applicant
Mr. Arfan Sait,APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 19th December, 2014.

P.C.

This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 25.6.2014 in Crime No.241 of 2012 registered at Tilak Nagar Police Station, Mumbai for the offence punishable under Section 420 read with Section 34 of IPC. The investigation is completed and charge sheet is filed in the month of August/September, 2014.

2. It is the case of the prosecution that one Shivangi Kasurkar has lodged a report at the police station alleging therein that she was acquainted with one Praffulchand Dighe. Praffulchand Dighe had introduced the complainant to the present applicant and had assured her that he is able to facilitate purchase of Mhada flats at discounted rates. She had trusted Praffulchand Dighe and had

parted with Rs.8 lakhs in favour of Dighe. Many people had invested. One person by name Sachin Gharat used to obtain signatures from the investors. It is alleged that Sachin was working for the present applicant. Dighe had also shown the flats to the proposed purchasers. Subsequently, it was revealed that the investors have been cheated. She had tried to contact the present applicant. However, he had given evasive answers and till the date of lodging of FIR, the possession of the house was not given for the offence punishable under Sections 420, read with Section 34 of IPC.

3. Today, the Investigating Officer is present. The learned APP has filed the report. It appears from the report that accused S.N. Marathe has accepted the liability of the amount received from the complainant in the present case. It further appears that the applicant has also made attempts to reimburse the investors.

4. Apart from this, the learned counsel for the applicant has placed on record the School Leaving Certificate of the applicant (photocopy thereof is taken on record and marked "X") which shows the date of birth of the present applicant as 14.10.1948. The certificate is issued by the Head Mistress, Raja Shivaji Vidyalaya, Hindu Colony, Dadar, Mumbai.

5. The learned counsel for the applicant submits that the applicant is a senior citizen and deserves to be enlarged on bail by virtue of the proviso to

Section 437 of Cr.P.C.

6. Taking into consideration the fact that the investigation is completed and charge sheet is filed coupled with the fact that the applicant happens to be a senior citizen suffering from various old-age ailments, this Court is inclined to grant bail to the applicant.

ORDER

(i) The application is allowed. The applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.15,000/- with one or two surety in the like amount.

(ii) The applicant shall report to the concerned police station on first Sunday of every month till the conclusion of the trial.

Application is disposed of.

(SMT.SADHANA S.JADHAV, J.)