

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1580 OF 2015

Emanuel Onyeka Okapara .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.Gaurav Parkar, Advocate, for the Applicant
Mr.S.H.Yadav, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 30.10.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks his enlargement on bail in connection with
C.R.No.I-41 of 2013 registered with the Kamothe
Police Station, District - Raigad, for the
alleged offences punishable under Sections 420,
465, 467 & 471 of the Indian Penal Code and
under Sections 66(c) & 66(d) of the Information

Technology Act.

3. Learned counsel for the applicant states that there is absolutely no material as against the present applicant to connect him with the alleged offences. He submits that the statement that is sought to be relied upon by the prosecution, of one Mr.Deviprasad Ramujagir Sharma which is on page No.29 of the application, is a statement which is recorded in C.R.No.37 of 2014 registered with the Manikpur Police Station, Thane(Rural). He submits that in the present C.R., except the statement of Mr.Navinkumar Sharma, there is no material to connect the applicant to the alleged offences. The applicant, who is also an accused in C.R.No.37 of 2014 has been enlarged on bail.

4. Learned APP on the instructions of the investigating officer, who is present in Court

does not dispute the fact, that the statement which is on page No.29 of the application, of Mr. Deviprasad Sharma is a statement which is recorded in C.R.No.37 of 2014 and not in the present C.R.. He submits that there is no recovery from the present applicant nor has the applicant been identified by any person.

5. Perused the charge-sheet, in particular, the statement of Mr.Navinkumar Sharma. The said statement in anyway, may not be of much assistance to the prosecution, as the said witness has identified some other persons, who had gone to withdraw the said amount and not the applicant. There is CCTV footage of the said persons. The learned APP does not controvert the aforesaid. He is unable to point out any material to show the applicant's complicity. The applicant has been enlarged on bail in C.R.No.37 of 2014. Prima facie, it appears that there is

no material, at this stage, to connect the applicant to the alleged offences.

6. Considering the aforesaid, the applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount;

(ii) The applicant shall attend the Kamothe Police Station, District – Raigad on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;

(iii) If the applicant has not deposited the passport, the applicant shall deposit the same with the concerned police station;

(iv) The applicant shall not leave India, without the permission of the trial Court;

(v) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(vi) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vii) The applicant to cooperate with the conduct of the trial;

(viii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)