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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2438 OF 2015

Amit Prafful Panchmiya

..Applicant.

Vs.

The State of Maharashtra & anr.

..Respondents

Mr. Rizwan Merchant a/w Swpnil Wagh i/b Mr. Sandeep Bali for
Applicant.

Ms. M.H. Mhatre, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 23rd December 2015.

P.C.

1 The applicant is seeking bail in CR No.428 of 2015 registered with Ghatkopar Police Station, Mumbai under Sections 379 and 427 of the Indian Penal Code.

2 The complainant-Mr. Satish Bhagwat is working as Talathi. It is the prosecution case that the applicant had been to the office of the said complainant on 5.10.2015 and made enquiry with him about the receipt book pertaining to the Form No.9 as contemplated under Maharashtra Land Revenue Code. The complainant thereafter gave the said receipt book to the applicant for his inspection. The applicant thereafter stealthily tore one

receipt form from the said book and left their office. The peon by name Suraj Betkar was working in the office of the complainant. He saw the applicant taking away one receipt in his hand. The complainant thereafter verified the said receipt book and realised that one receipt bearing no.0507045 was in torned from the said book. The complainant thereafter contacted the applicant on his mobile phone and enquired about the said receipt. The applicant, inter alia, informed the complainant that his assistant by name Rahul Gavkar has torn the said receipt and has thrown the same in the adjacent ground. After search, the complainant found two pieces of the said receipt. He did not find the main portion of the said receipt. In the premise, he lodged the first information report.

3 The learned Counsel for the applicant submitted that the applicant was arrested on 5.10.2015. The co-accused namely Rahul Gavkar was granted pre-arrest bail by the learned Trial Court by its order dated 3.12.2015. However, the regular bail application of the applicant was rejected by the same Court by its even dated order on the ground that the investigation is still in progress.

The learned APP on instructions submitted that the applicant herein has produced the main part of the said receipt on 17.10.2015 before the complainant and the same has been taken into custody by the police.

The applicant is arrested on 6.11.2015.

4 After taking into consideration the peculiar facts of the present case, I am inclined to release the applicant on bail.

5 Hence, the following order:

(i) The applicant shall be released on bail in CR no.428 of 2015 registered with Ghatkopar Police Station, Mumbai on his furnishing PR bond of Rs.50,000/- with one or two solvent sureties in the like amount.

(ii) The applicant shall attend the Ghatkopar Police Station on every first Monday of the month between 10.00 a.m. to 2.00 p.m. till the conclusion of trial.

(iii) The applicant shall not tamper with evidence and/or influence the prosecution witnesses.

(iv) The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)