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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 240 OF 2016

Sunder Prasad Viranna Mekka (Rao). ..Applicant.

vs.

The State of Maharashtra.

..Respondent.

Mr.Swapnil Ambure i/by Dinesh Tiwari & Associates for
the Applicants.

Mrs. S.S.Kaushik,APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 26th August, 2016

P.C.

This is an application under Section 439 of the
Cr.P.C. for releasing the applicant on bail in CR No.
61/2015 dated 12.3.2015 registered with Agripada Police
Station, Mumbai under Sections- 380, 419, 420, 465, 467,
468, 471 read with 120 B of the Indian Penal Code.

2) The first informant Mr. Devang Doshi was
working with M/s. Swayam Realtors and Traders LLP
Company, Byculla as a General Manager. It is the case of
the prosecution that, on 10.3.2015 the complainant
realised that Cheque belonging to their company bearing
No.135698 for an amount of Rs.85.00 lacs has been

realised in an account of Axis Bank, Madhapur Branch, Hyderabad. The said account was belonging to Vayuja Agro Farms Ltd. As the complainant was aware of the fact that their company Swayam Realtors was not having any business transaction with the said Vayuja Agro Farms Pvt. Ltd, there was no question of issuing a cheque in favour of the said company. In the premise, he lodged the first information report.

3) During the course of the investigation, it is revealed that the said firm namely Vayuja Agro Farms Ltd. is owned by the applicant and the said cheque for an amount of Rs.85.00 lacs has been encashed in the said account. The applicant came to be arrested on 24.4.2015. During the course of investigation, the applicant submitted that the said cheque was given to him by Mr. Gafoor (absconding accused) as the applicant was having business relations with the said Gafoor and it was towards the consideration for the goods /articles sold to the said person. That, the said Mr. Gafoor while making repayment of the goods purchased by him has given the said cheque to

the applicant. During the course of investigation an amount of Rs.45.00 lacs has been seized by the police from the account of the applicant.

4) It further appears from the record that, the applicant has withdrawn an amount of Rs.40.00 lacs and paid an amount of Rs.25.00 lacs to his friend Arunkumar and Rs.10.00 lacs to Mr. Gafoor. That, the said Mr. Arunkumar and Gafoor are absconding accused in the present crime.

5) It prima facie appears that the Investigating Agency has not connected the link to the circumstance that, as how the cheque belonging to the complainant came to be stolen from his office and reached in the hands of the applicant herein for encashment to Axis Bank Madhapur Branch, Hyderabad. The applicant is in Jail since 24.4.2015. The investigation in the present crime is completed and no further purpose will be served in further detaining the applicant in Jail. In view of the above, the applicant has made out a case for his release on bail.

6) Hence, the following order.

a) The applicant be released on bail in CR No.

61/2015 dated 12.3.2015 registered with Agripada Police Station, Mumbai on his furnishing PR bond of Rs.1.00 lac with one or two solvent sureties in the like amount.

b) After his release from Jail the applicant shall attend the Agripada Police Station, Mumbai once in a month on every 1st Monday between 11.00a m. to 2.00 p.m. till the conclusion of the trial.

c) The applicant shall attend all the dates before the Trial Court.

d) Any two consecutive defaults in complying with the aforesaid conditions shall attract the provisions of Section 439(2) of the Cr.P.C.

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

f) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)