

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.357 OF 2016

Sanjay Narayan Jangam	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Sujit Pathak i/b. Mr. Ashish Dubey, for the Applicant.
Mr. S.H. Yadav, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **16th MARCH, 2016**

P.C.:

. The application is moved for bail. The applicant/accused is facing charges for the offences punishable under Sections 420, 465, 466, 467, 468 and 471 read with 34 of the Indian Penal Code in C.R. No. 329 of 2014 registered with Malwani police station, Mumbai.

2. It is the case of the prosecution that the applicant/accused along with the co-accused promised the complainant and other 28 persons with intention to cheat them that they would get flats from MHADA. The applicant/accused issued forged documents to MHADA and made the complainant and other persons to believe and

thereafter collected various different amounts from these persons as a consideration against MHADA flats and thus have cheated the complainant and others to the tune of Rs. 3,37,19,150/-.

3. The learned counsel for the applicant/accused submits that he is praying on the ground of parity as other five co-accused are released on bail by orders dated 5th October, 2015 and 6th November, 2015 by this Court on undertaking given by the respective applicants that they would deposit the amounts which were allegedly taken by the respective applicants/accused. The learned Counsel submits that he has filed affidavit which is affirmed before the Superintendent of Arther Road Jail on 12th February, 2016 wherein he undertook to deposit Rs.43,20,000/- to the effect the role is attributed to him. He has submitted that he has deposited Rs. 3 lacs without prejudice and he will deposit Rs.40,20,000/- in eight months in installment of Rs. 5 lacs each.

4. The learned prosecutor points out that the application can be disposed of by accepting the undertaking.

5. In view of the earlier orders passed by my predecessor, the bail application is allowed only on the ground of parity as the similar role is attributed to the present applicant/accused. The undertaking given in respect of the schedule of the payment mentioned in the affidavit is accepted. On that ground and as it is a case of cheating, the bail application is allowed with following conditions.

a) The applicant/accused be enlarged on bail upon furnishing PR. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

b) The applicant be released on provisional cash bail of Rs. 50,000/- for the period of two months from today to enable him to furnish the solvent surety.

c) He shall not tamper with the evidence and shall not pressurize the witnesses.

d) He shall abide by the schedule of the payment as given, from 11th April, 2016 onwards and shall make himself available and attend all the Court dates regularly.

6. Bail application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)