

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

CRIMINAL BAIL APPLICATION NO. 372 OF 2016

Suhas Uttam Sawalkar.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

WITH

CRIMINAL BAIL APPLICATION NO. 425 OF 2016

Lakhan Bansi Bagade.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

WITH

CRIMINAL BAIL APPLICATION NO. 525 OF 2016

Vikram Nandkumar Dhale.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Priyal G. Sarda, advocate for applicant in BA No. 372/2016.

Mr. Aniket Nikam i/b. Mr. Aashish Satpute, advocate for applicant in BA 425/2016.

Mr. Sarang S. Aradhey, advocate for applicant in BA 525/2016.

Mr. R.M. Pethe, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : SEPTEMBER 26, 2016

P.C.:

1 Heard the learned Counsel for the applicants and the learned APP for State. Perused the papers.

2 These are the applications under section 439 of the Code of Criminal Procedure, 1973. The applicant in BA No. 372/2016 is arrested on 5/10/2016. The applicant in BA No. 425/2016 is arrested on 5/11/2016 and the applicant in BA No. 525/2016 is arrested on 5/11/2016 in Crime No. 190 of 2015 registered at Pandharpur City Police Station for offence punishable under section 403, 408, 403, 471, 477A, 420 read with section 34 of the Indian Penal Code and under section 65 of the Information Technologies Act, 2005.

3 It is the case of the prosecution that on 5/10/2015 jeweller Mr. Shrenik Surendra Doshi lodged a report at the police station alleging

therein that the present applicants were his employees. He was informed by his chartered accountant that there is a vast discrepancy in the physical accounting of the gold and the receipts. It is alleged that the applicants in BA Nos. 372/16 and 425/16 are the employees of the jewellers. It is also alleged that the applicants have manipulated the bar code and the password of the owner and had shown fraudulent transactions. Hence, the applicants were arrested. As far as BA No. 525/2016 is concerned, the applicant Vikram Dhale happens to be the accused, who has been charge-sheeted for being a receiver of stolen property and converted the ornaments into gold ingots.

4 Without going into the merits of the matter, it would be necessary to consider that the offences are triable by the Court of Judicial Magistrate First Class. The maximum punishment contemplated for the offence alleged against the applicant would be punishable upto 7 years. The offence punishable under the provisions of Information Technologies Act as well as 471, 477A, 403, 408 are

bailable offence. Section 420 is a non-bailable offence. The applicants have been in custody for almost one year. Hence, the applicants deserve to be granted bail.

5 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of trial.

6 Hence, following order is passed :

ORDER

- (i) The applications are allowed.
- (ii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- each and one or more sureties in the like amount.

(iii) The applicants shall report to the concerned police station i.e. Pandharpur City Police Station on 1st and 3rd Sunday of each month between 10 a.m. to 12 noon till framing of charge.

(iv) The applicants shall not tamper with the evidence.

7 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)