

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1253 OF 2016

Rajanseth @ Ishwarsingh A. Bassa vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Ganesh Gole for the Applicant.

Ms. R.M. Gadhvi, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 26th August, 2016

P.C.

1) This is an application under section 439 of the Cr.P.C. for releasing the applicant on bail in CR No.I-86/2013 dated 3.7.2015 registered with Chembur Police Station, Mumbai under Section 420 and 406 read with 34 of the Indian Penal Code.

2) The first information report is lodged by Shri. Sudhir Shetty . It is stated in the report that the complainant was in need of substantial amount for his business purpose. That, his Finance Manager introduced the present applicant who is the owner of Overseas Capital Corporation (India) Delhi. The applicant along with two other accused persons came to Mumbai and assured the complainant to provide an amount of Rs.65.00 crores as loan to complainant. It is the further allegation of the complainant that for providing the said loan the applicant

has accepted an amount of Rs.45.00 lacs from the complainant. That, the applicant thereafter did not provide assured loan and also refused to return the amount accepted by him. In the premise, the first information report is lodged.

3) After completion of investigation the police have filed charge sheet on 14.10.2015. The record discloses that in the present case the Charge is framed on 1.12.2015. That, there are in all four accused persons including the applicant. The other three accused persons are Smt. Rameshwari Devi, wife of the applicant, Rajesh Varma and Kapilkumar. That, accused Kapil Kumar is reported to be absconding. The record further discloses that the applicant is arrested on 25.7.2015 and since then he is in Jail. The applicant is a patient of prostate cancer and also has a left non functioning kidney with hydronephrosis. The applicant is aged about 64 years of age as on today. The investigation in the present crime is completed. After taking into consideration the fact that the applicant is cancer patient and that no purpose will be served by further detaining him in Jail. I am inclined to release the applicant on bail.

4) Hence, the following order.

a) The applicant shall be released on bail in CR No.175/2015 registered with Chembur Police Station, Mumbai on his furnishing PR bond of Rs.50,000/- with one

or more sureties in the like amount.

b) After his release from Jail the applicant shall attend the Kasa Police Station, District Palghar once in a month on every 1st Monday between 11.00a m. to 3.00 p.m. till the conclusion of the trial.

c) The applicant shall also 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.)