

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

BAIL APPLICATION NO. 2363 OF 2016

Mr. Praful Ganesh Sakpal	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

Mr. Bal Joshi i/b Rohan Barge, Advocate for the Applicant.
Ms. N.S. Jain, A.P.P. for the Respondent – State.

CORAM : N.W. SAMBRE, J.

DATED : 28th NOVEMBER, 2016.

P.C. :

1 The applicant is seeking regular bail in Crime No.653 of 2015 for the offences punishable under sections 406, 420 of the I.P.C. registered on 10.12.2015.

2 It is the case of the prosecution against the present applicant that the applicant is one of the director of Fortune Projects and Hospitality Pvt. Ltd. The said Company has purchased 15 laptops, however, has not paid the consideration thereof cheated the complainant.

3 It is claimed by the learned A.A.P. that the investigation in the matter is complete and within three days the charge-sheet will be filed. Based on the above submission, the matter is taken up for disposal at this stage considering that the investigation is already complete.

4 Perused the investigation papers and other material available on the record. For the vicarious liability, present applicant as a Director of the accused Company, there are no specific attributions against him. During the investigation also no material could be found against him, so as to infer his active participation in the commission of crime in question.

5 Though the bail is sought to be opposed on the ground that the applicant's real brother and Director in the said Company is the person responsible for the fraud, in my opinion, same can be hardly a reason for denying the bail to the applicant, as investigation in the matter is already over.

6 Hence, in my opinion, the application needs to be allowed. In view thereof, the applicant be released on bail on executing P.R. Bond of Rs.50,000/- with one or two sureties in the like amount. Two consecutive absence of the applicant before the Magistrate will entail the said Court to take out proceeding for cancellation. The applicant shall attend police station as and when called. The applicant shall not tamper with the evidence or influence the witnesses. Applicant shall furnish his address before this Court within period of 48 hours from today along with a copy thereof to the learned Investigation officer.

(N.W. SAMBRE, J.)