

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

CRIMINAL BAIL APPLICATION NO.489 OF 2017

Rajesh Charansingh Verma ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Altaf Khan a/w. Mr. Ravi Verma for the applicant.
Mr. M. G. Patil, APP for the respondent - State.

CORAM : PRAKASH D. NAIK, J.
DATE : 27 JULY, 2017

P. C. :

1. This is an application for bail in connection with C.R. No.175 of 2015 registered with Chembur Police Station, Mumbai for the offences punishable under sections 420, 406 read with 34 of IPC. The applicant was arrested on 25th July, 2015 and since then he is in custody.

2. The prosecution case is that the report was lodged by one Sudhir Shetty. It is alleged that he was in need of finance for his business. The finance Manager introduced him to the accused no.1 who is proprietor of Overseas Capital Corporation (India) Delhi. Accused no.1 and others came to Mumbai and assured the complainant that the finance of about 65 crores will be provided to

him. However, for making arrangement of the said facility, the complainant was informed that he will have to make payment of Rs.45 lakhs. The said amount was parted by the complainant to accused no.1. However, subsequently the loan was neither arranged nor the amount paid was refunded to complainant. Hence, FIR was lodged. On completing investigating, chargesheet has been filed on 14th October, 2015.

3. The applicant preferred an application for bail before the Sessions Court which was rejected on 1st July, 2016. Thereafter, accused no.1 was granted bail by this Court vide Bail Application No.1253 of 2016 by order dated 26th August, 2016. In pursuant to that the applicant had preferred another bail application before the Sessions Court and claimed bail on ground of parity. However, the said application was rejected on 12th November, 2016.

4. The applicant was working as employee with accused no.1. The main role has been attributed to accused no.1 as the transaction was between the complainant and accused no.1. Accused no.1 has been directed to be released on bail by this Court. While granting bail to the said accused, it has been observed that after completion of investigation, the police have filed chargesheet and that the charge is

framed on 1st December, 2015. It is also observed that the said accused is in custody from 25th July, 2015 and he is a patient of prostate cancer and also has left non-functioning kidney with hydronephrosis. It was further observed that investigation is completed. No doubt the Court had also considered the ground that the said accused was suffering from ill health. But it is also observed that he was in custody for long period of time, no purpose will be served by further detaining him in jail.

5. In view of the fact that accused no.1 who played prime role has been released on bail. The applicant is in custody from 25th July, 2015. On completing investigation, the chargesheet has been filed. There is no need of further detention of the application. He was working as employee of accused no.1. In the circumstances, the applicant is entitled for bail. Therefore, I pass following order;

:: ORDER ::

- (i) Bail Application No.489 of 2017 is allowed.
- (ii) The applicant is directed to be released on bail in connection with C.R. No.175 of 2015 registered with Chembur Police Station, Mumbai and on furnishing P.R.

Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only.) with one or more local sureties in the like amount.

(iii) The applicant is directed to attend the Chembur Police Station one in a month on the first Saturday between 11.00 am to 1.00 pm till further orders.

(iv) The applicant shall also attend dates of hearing before the trial Court.

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

(vi) Application stands disposed of.

[PRAKASH D. NAIK, J.]