

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1248 OF 2017

Parthiv Kirit Shah

Applicant

versus

The State of Maharashtra

Respondent

Mr.A.H.Ponda i/by Aashish Rajwanshi for Applicant.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 13th July 2017

PC :

1. This is an application for bail in connection with CR No.251 of 2016 registered with Bhoiwada Police Station. The offence is registered under Section 420 of Indian Penal Code. The investigation is complete and charge sheet is filed. The proceedings are pending in the Court of Metropolitan Magistrate vide CC No.162/PW/2017.

2. The Applicant was arrested on 27th November 2016. The prosecution case is that the first informant had invested Rs.70 lakhs by different cheques with the Applicant. The amount was to be invested in shares. The said cheques were credited in the account of Applicant. It was agreed by the Applicant that the informant will receive returns @ 2% per month. The Applicant promised to pay original amount along with Rs.8.40 lakhs. However, the said amount was not paid. Accordingly, first information report was registered.

3. The Applicant submitted that the amount was invested in the shares and the informant suffered loss. Police seized the accounts of Applicant. It is further submitted that investigation is complete and

charge sheet has been filed. It is submitted that the application preferred by the Applicant was rejected primarily on the ground that the Applicant has no permanent place of residence and he was trying to abscond. It is submitted that Applicant is ready to surrender the passport to investigating officer. It is submitted that the Applicant would not make any attempt to leave India. It is further submitted that the Applicant will furnish details of his residential address. The mother of the Applicant is residing in old age home at Lonawala. He submitted that other family members of the Applicant have broken ties with him and they are residing at Dubai. He further submitted that no proceedings are pending at Dubai.

4. Learned APP submitted that apart from involvement of the Applicant in serious crime of cheating the complainant, the Applicant had procured resident identity card of United Arab Emirates ('UAE') and he was taken in custody from Coimbatore International Airport, as he was trying to go abroad. He stated that in case the Applicant is granted bail, he would abscond.

5. Learned advocate for Applicant, however, submitted that the resident identity card of UAE of the Applicant has also come to an end and that the Applicant is willing to abide by the conditions which may be imposed.

6. Perused the charge sheet. The Applicant is in custody from 27th November 2016. The charge sheet has been filed. The proceedings are pending before the concerned Court. The Applicant can be released on bail on certain conditions. The charge is under Section 420 of Indian Penal Code. The trial may not conclude immediately. Hence, I pass following order :

ORDER

- (i) Bail Application No.1248 of 2017 is allowed;
- (ii) The Applicant is directed to be released on bail in connection with CR No.251 of 2016 of Bhoiwada Police Station and subject matter of CC No.162/PW/2017, pending in the Court of Metropolitan Magistrate, 29th Court, at Dadar, Mumbai, on furnishing PR bond in the sum of Rs.50,000/- with one or more local sureties in the like amount;
- (iii) The Applicant is directed to surrender his passport to the investigation officer of Bhoiwada Police Station;
- (iv) The Applicant shall not leave India without the permission of Trial Court;
- (v) The Applicant shall attend the Trial Court on the hearing date regularly;
- (vi) The Applicant is permitted to furnish cash surety for a period of six weeks;
- (vii) The Applicant is directed to furnish details of his residential address and mobile number to the investigating officer;
- (viii) The Applicant is directed to report the police station where he will reside on every Saturday between 11.00 a.m. and 1.00 p.m till completion of trial;
- (ix) The application is disposed of.

(PRAKASH D. NAIK, J.)

MST