IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 540 OF 2016

Santosh Shyamrao Bhosle ... Applicant/Accused No.5
Vs.
The State of Maharashtra & Anr … Respondents

WITH
CRIMINAL BAIL APPLICATION NO. 1128 OF 2016

Tarachand Shah ... Applicant/Accused No.2
Vs.
The State of Maharashtra & Anr … Respondents

Mr.Rishi Bhuta a/w Mr. Manish Bohra i/b. A.S.Khan & Associates,Advocate for the applicants.
Ms. Rebecca Gonsalvez, Advocate for Respondent No.2.
Mrs. P.P.Shinde,APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 8th March, 2017.

P.C.

Heard. These are the applications under Sectiion 439 of Cr.P.C. The applicants herein are arrested on 15.11.2015 in Special Case No.1/2014 and are being prosecuted under the provisions of the Prevention of Money Laundering Act, 2002 (for short `PMLA').

2. The case of the prosecution that the Directorate of Enforcement, Mumbai, had filed a charge-sheet against the present applicants, on the

basis of which cognizance is taken in Special Case No.1/2014. The complaint was filed by the Directorate of Enforcement alleging therein that the applicant – Santosh Bhosle is the proprietor of M/s. Shree Imports. That on 5.2.2009, along with the Assistant Manager of Union Bank of India and other co-accused, he had visited Union Bank of India and submitted six pay-in-slips before the Cashier indicating therein that he wanted to deposit an amount of Rs.10,87,34,700/- in the account of Manibhadra Trading Co. and Rs.5,06,000/- in the account of Accure Impex Pvt.Ltd. It is alleged by the prosecution that in fact, no amounts were deposited and the cashier in connivance with the applicants, had only signed the pay-in-slips to indicate that the cash was received as per the pay-in-slips. A cheque was also presented on behalf of Manibhadra Trading Co. a proprietory firm of Tarachand Shah. According to the Enforcement Directorate there was money- laundering by both the applicants.

3. This Court by an order dated 17.11.2014 has been pleased to grant bail in favour of Ashok Zende, who was working as the Assistant Manager of Uniion of Bank of India. That thereafter, the co-accused Narendra Vichare was also enlarged on bail by this Court by an order dated 24.4.2015.

4. The learned counsel for the applicants submits that by virtue of

doctrine of parity, the present applicants would also be entitled to be enlarged on bail, more so because the order granting bail in favour of Ashok Zende and Narendra Vichare, as on today have attained finality. The applicants have been in custody for almost more than 16 months and hence they are entitled to be enlarged on bail.

5. The learned counsel for the respondent No.2 has vehemently opposed the grant of relief in favour of the applicant and has also submitted that the applicants are not residing at the address given in the cause title of the application. The learned counsel for the applicants have given correct address. The learned counsel for respondent No.2, upon instructions, submits that the addresses furnished by the applicants have been verified by the Enforcement Director and have been found to be correct. The verification report is taken on record and marked “X” for the purpose of identification.

6. At this stage, the learned counsel for the applicants prays for provisional cash bail for a period of four weeks. The learned counsel fo the respondent No.2 has opposed the grant of provisional cash bail on the ground that the applicants had absconded earlier. However, in the interest of justice, this Court is of the opinion that the applicants deserve to be enlarged on provisional cash bail for a period of four weeks. The prayer is

granted.

ORDER

(i) The application is allowed.

(ii) The applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.50,000/- with one or more local solvent sureties in the like amount.

(iii) The applicants be enlarged on provisional cash bail in the sum of Rs.50,000/- each for a period of four weeks from today within which they shall furnish the local solvent sureties. The applicants shall not seek any extension of time.

(iv) The applicants shall report to the Office of the Enforcement Directorate, Mumbai every alternate day.

(v) The applicants shall give an undertaking that they shall not leave Mumbai, Thane and Palghar without prior permission of the Court.

(vi) The applicants shall attend each and every stipulated date at the time of trial. Upon failure to attend any two consecutive dates, the prosecution would be at liberty to file an application under Section 439 (2) of Cr.P.C.

(vii) The applicants shall also inform the Designated Court in case there is any change of address, change of cellphone or lindline number and any other change in circumstances.

(viii) The applicants shall deposit their passports, if any, with the Special Court and in the eventuality that they are not holders of passport, they shall file an affidavit to that effect before the Special Court upon being enlarged on bail.

Both the Applications stand disposed of.

(SMT. SADHANA S.JADHAV, J.)