

Anand

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

BAIL APPLICATION NO.1263 OF 2017

Ram Lagan Ramavash Pandey .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. N. S. Mundargi i/b. Mr. A. D. Joshi, Advocate, for the Applicant
Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 25.09.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-181 of 2016 registered with the Narpoli Police Station, Thane, for the alleged offences punishable under Sections 420, 504, 506(2), 120B, 411 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the transaction was essentially between the Complainant – Vishal Narayan Jajodia and co-accused – Kothari (Original Accused No.1). He submitted that the Applicant has not been named in the FIR and that

Section 411 of the IPC was subsequently added as against the Applicant, as the Applicant is alleged to have purchased the stolen property. He submitted that the Applicant had infact, purchased raw material from co-accused – Kothari, as he had got a good deal.

4. Learned APP opposes the Application. She submits that two co-accused – Kapil and Manish are still absconding. She, however, does not dispute the fact, that the Applicant has no antecedents.

5. Perused the papers. It appears that there was a transaction between co-accused – Kothari and the Complainant. According to the Complainant, co-accused approached the Marketing Manager of the Complainant's Company and induced them to supply goods worth Rs.1,31,58,132/-. He has alleged that believing the representation made by the co-accused, the goods were delivered by the Complainant's Company, pursuant to which, three cheques were issued in favour of the Complainant's Company. The said cheques were dishonoured, pursuant to which, the aforesaid complaint was lodged. Admittedly, the Applicant has not been named in the FIR. It appears that during investigation, it transpired that the said raw material was sold by the co-accused to the Applicant, at a lower price and that the Applicant had made payments to

the co-accused by cheques. There are tax invoices which show the payments made by the Applicant to the co-accused. It appears that subsequently, the Applicant sold the very same raw material to a third party, for a much higher price. Admittedly, the Applicant is not the person, who is alleged to have induced the Complainant to part with the raw material. The Applicant is in custody since February, 2017. Investigation is complete and charge-sheet is filed. The Applicant has no antecedents.

6. Considering the aforesaid, further detention of the Applicant is not warranted. Accordingly, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

ORDER

- (i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/-** with one or two sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station on the **first Saturday of every month** between **10:00 a.m. to 11:00 a.m.** for a period of 12 months from the date of his release;
- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person

concerned with the case;

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to cooperate with the conduct of the trial.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)