

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

BAIL APPLICATION NO.1340 OF 2016

Shri Sachin Ashok Pradhan ... Applicant

Vs.

The State of Maharashtra .. Respondent

Mr.Shirish Gupte, Sr.Adv I/b Tejas Hilage for the Applicant
Mr.S.S. Hulke, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 10, 2017

P.C. :

1. This application is made for bail by the applicant/accused who is prosecuted for the offences punishable under sections 406 and 420 of the Indian Penal Code in C.R. No.386 of 2015 registered with the Chaturshrungi police station, Pune. The offence is registered pursuant to the information given by one Dr.Suresh Atmaram Patki, a resident of Pune. It is his case that since 2006 to 2011, the complainant made investments of total Rs.97.35 lakhs through the applicant/accused in different mutual funds. The applicant/accused represented and made false statements that the amounts are invested in various mutual funds.

In 2015, the complainant asked him to give him money from different investments as as per his record they were gradually matured. However, the applicant/accused did not hand over the money. Thereafter though the complainant persuaded him and contacted his father, he did not get any clue of the applicant/accused and also of his invested money. Therefore, he gave information to the police on 26.11.2015 and pursuant to he said information, the applicant/accused was arrested on 6.1.2016, hence, this Bail Application.

2. The learned Senior Counsel for the applicant/accused has submitted that the applicant/accused is in the jail since 2016. The police could not recover any amount because the amount was invested from time to time by the applicant/accused since 2006. the learned Counsel submitted that the amount was given ultimately to one Mr.Vijay Shetty, who absconded alongwith the amount. He further submitted that the applicant/accused will abide by all the terms and conditions, if released on bail.

3. Learned Prosecutor has submitted that there is one more case by another complainant, namely, Mr.Pendharkar, which is registered against the applicant/accused in a similar manner.

4. Perused the FIR, the statements before the Court. Considering the allegations made in the FIR and the statements, it appears, *prima facie*, that the applicant/accused has committed an offence of cheating and criminal breach of trust of the amount which was entrusted to him from time to time by the complainant. However, the applicant/accused is in prison since 6.1.2016. The chargesheet is filed in March, 2016. Considering all these aspects, I grant this application for bail with the following order:

ORDER

- i) The applicants/accused shall be released on bail upon furnishing P.R. bond in the sum of Rs.500,000/- (Rupees Five lakhs only) with one or two solvent sureties in the like amount;
- ii) The applicant/accused shall not indulge into any kind of offence;
- iii) The applicant shall not jump the bail and shall attend on all the Court dates;
- iv) Considering the age of the complainant, the learned Magistrate is directed specifically to start the trial on a priority

basis and at least record the evidence of the complainant and conclude the trial within six months from today.

5. Bail Application is disposed of on the above terms:

(MRIDULA BHATKAR, J.)