IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1556 OF 2017

Akash Deepak Patil ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**

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Mr.Harshad V. Bhadbhade with Mr.Amogh P. Khadye, Advocate for the Applicant.

Ms.P. N. Dabholkar, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 7th DECEMBER 2017.

P.C. :

1 The applicant/accused in Crime No.I-57 of 2016 registered with Naupada Police Station for offences punishable under Sections 406, 420, 465, 467, 468, 471, 120-B of the Indian Penal Code as well as Sections 3 and 5 of the Maharashtra Protection of Investments of Depositors (in Financial Establishment) Act, 1999, by this application, is seeking his release on bail after filing of the charge-sheet and after undergoing pre-trial detention for a period of one year and three months.

2 Heard the learned Advocate appearing for the applicant/accused. He argued that the applicant was merely working as commission agent for M/s.Rupashree Consultancy owned by accused Shril Madan and Aparna Karnik. He was also working as an employee in a broking firm named 'Dreams Broking Pvt. Ltd'. By drawing my attention to the statement of account of the applicant annexed to the charge-sheet, the learned Advocate submitted that what was received by the applicant was towards commission. The learned Advocate further drew my attention to his statement of account for a period subsequent to the lodging of the FIR to point out that after leaving the assignment with the firm involved in the subject crime, the applicant joined another Company and was earning salary of Rs.74,000/-.

3 The learned Additional Public Prosecutor opposed the application by contending that the applicant has received substantive amount from the financial institution against which the subject crime is registered.

4 I have carefully considered the rival submissions and also perused the entire charge sheet.

5 Perusal of the charge-sheet indicates that the present applicant was merely working as commission agent in the financial institution. Prior to and subsequent to his engagement with the

Rupashree Consultancy, he was working with other employer as agent. Lastly, it is seen that he was working with a Company named 'NEFT Max Bupa Health' from which he was getting salary of more than Rs.70,000/- per month. It is thus clear that he is not beneficiary of the financial scam committed by the owner of the financial institution. In this view of the matter, I see no reason to extend his pre-trial detention by refusing bail to the applicant. The the order :

(i) The application is allowed.

(ii) The applicant/accused in Crime No.I-57 of 2016 registered with Naupada Police Station for offences punishable under Sections 406, 420, 465, 467, 468, 471, 120-B of the Indian Penal Code as well as Sections 3 and 5 of the Maharashtra Protection of Investments of Depositors (in Financial Establishment) Act, 1999 is directed to be released on bail on his executing P. R. Bond in the sum of Rs.15,000/- and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not tamper with the prosecution evidence.

(iv) The applicant/accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to the Police Officer.

(A.M.BADAR J.)