

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1591 OF 2017

RAJU PUNDALIK DESHPANDE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

WITH

CRIMINAL APPLICATION NO.799 OF 2017

IN

CRIMINAL BAIL APPLICATION NO.1591 OF 2017

YOGESHKUMAR AJODHYANATH BALI)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Ms.Mrunmai Kulkarni a/w. K. Padmashri i/b. Mr.Kulkarni & Associates, Advocate for the Applicant.

Mr.Abdul L. Chawdhri i/b. Rachana Divekar, Advocate for the Intervenor.

Mr.Makrand Patil, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 4th OCTOBER 2017

P.C. :

1 The applicant / accused in Crime No.44 of 2016 for offences punishable under Sections 420, 406 and 507 of the Indian Penal Code (IPC), by this application, is seeking his release on bail during pendency of the trial.

2 Heard the learned advocate appearing for the applicant / accused. She drew my attention to previous orders passed in this application as well as in Criminal Writ Petition filed by the present applicant / accused and submitted that the applicant / accused has already deposited an amount of Rs.5 Lakh and the cheque of Rs.2 Lakh is ready for being deposited in this court. The learned advocate further argued that if the applicant / accused is released on bail, he will deposit the remaining amount before this court. The learned advocate further argued that after filing of charge-sheet, pre-trial detention of the present applicant / accused is not warranted.

3 I have heard the learned APP and also perused Police Report dated 15th September 2017 furnished by the Investigating Officer to the Public Prosecutor. I have also heard the learned advocate appearing for the intervenor / First Informant.

4 I have carefully considered the submissions advanced by the learned advocate appearing for the parties and also perused the charge-sheet. The FIR came to be lodged by Yogesh Kumar Bali, a senior citizen. It is averred by the First Informant Yogesh Bali that the applicant / accused informed him that he is the owner of an old BMW car and induced him to purchase that BMW car for a consideration of Rs.41 Lakh. The informant paid an amount of Rs.30 Lakh by cheque and Rs.11 lakh by cash. Thereafter, on one or the other pretext, the applicant / accused started delaying the process of handing over papers of ownership of that car as well as registration certificate to the First Informant. Ultimately, the First Informant found that the present applicant / accused had taken a loan amounting to Rs.30 Lakh from ICICI bank for purchasing that car and without repayment of that loan,

by inducing the First Informant, he had sold that car to the First Informant. The FIR reveals that subsequently the car was seized by the ICICI bank for some period.

5 Though normally after completion of investigation in such type of offences, the accused therein is entitled for bail, police report shows that the applicant / accused is a habitual offender. He is involved in atleast four other offences of similar nature registered with Khandeshwar Police Station, N.R.I.Sagari Police Station as well as Panvel Police Station.

6 Apart from this, it is seen from the Police report that initially police made inquiry from the present applicant / accused in order to ascertain facts after lodging the FIR. On 24th February 2016, he was directed to come with all relevant papers to the police station on 25th February 2016. However, the applicant / accused did not attend the police station on 25th February 2016 and he put off his cell phone. Ultimately, he was required to be apprehended by police after rejection of his application for anticipatory bail by the learned Judge.

7 It is also seen from the record that the applicant / accused had preferred a writ petition for quashing the proceedings of crime, which came to be registered as Writ Petition No.1838 of 2016. On 23rd August 2016, a statement was made on behalf of the petitioner that the petitioner will deposit an amount of Rs.30 Lakh in the court within a period of four weeks. That statement was also not honoured and ultimately, it appears that the said writ petition is dismissed.

8 With this history, this court is not assured that if released on bail, the applicant / accused will be available for facing the trial. Dishonouring the solemn undertaking given before the Division Bench of this court by the petitioner does not allow me to hold that, if released on bail, the applicant / accused will deposit the remaining amount as assured by him, in this court. Considering the chequered criminal history of the applicant / accused, he is not entitled for bail. Therefore the order :

ORDER

- i) The application is rejected.

ii) In view of disposal of this application, pending criminal application stands disposed of.

iii) The trial court is requested to take up the trial and finish it off within a period of one year from the date of communication of this order to it.

(A. M. BADAR, J.)