

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

BAIL APPLICATION NO. 2431 OF 2017

Indrapal Singh Sahni

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Subhash Jha a/w Sameer Vaidya a/w Sanjana Pardeshi i/b Sameer Vaidya for the Applicant.

Mr. A.A. Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 07th NOVEMBER, 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No.125 of 2017 dated 07.05.2017 registered with Satpur Police Station, District Nashik under Sections 408, 409, 120-B and 217 read with Section 34 of the Indian Penal Code.

2 The prosecution case in nutshell is that, with a view to avoid payment of subletting charges, the Applicant, a lessee of plot No. E1 to E4 lying and situate at Satpur Industrial Estate, MIDC, Nashik caused disappearance of 192 pages from the file pertaining to the said plots maintained by MIDC, Nashik Zonal Office in connivance with other accused persons. During the course of investigation, the Applicant came to be arrested on 21.09.2017 and after completion of police

custody, the Applicant has now been transferred to judicial custody and is in jail. The Trial Court has rejected the application of the Applicant for bail mainly on the ground that the investigation of the present crime is in progress and is at crucial stage.

3 The record indicates that as per the allegation of the prosecution, with a view either avoid to make payment or to cause loss of Rs.1,45,71,628/- to the Government Exchequer, the Applicant alleged to have destructed and/or caused disappearance of the said papers from the file of MIDC.

4 Mr. Jha, the learned Counsel for the Applicant submitted that the Applicant is suffering from various ailments and his physical condition is not stable. During the course of arguments, Mr. Jha, on instructions from the wife of the Applicant who is personally present in the Court submitted that the Applicant without prejudice to his rights and contention, to be raised at the time of trial or in any other proceedings to be adopted by him, will deposit a sum of Rs.1,46,00,000/- (Rs. One Crore Forty Six Lakhs only) in the Registry of this Court within a period of one week from today and upon deposit of such amount, the Applicant may be released on bail.

5 The record indicates that the investigation qua the Applicant is practically completed and Applicant is in Judicial Custody for last more than 30 days. In view of the statement made by the learned Counsel for the Applicant and without adverting to the merits of the present case, at this stage, the Applicant can be

released on bail on his depositing of Rs.1,46,00,000/- in the Registry of this Court within a period of one week from today.

Hence, the following order:

i) The Applicant be released on bail in C.R. No.125 of 2017 dated 07.05.2017 registered with Satpur Police Station, District Nashik on his furnishing PR bond of Rs.1,00,000/- (Rs. One Lakh only) with one or two solvent local sureties in the like amount.

ii) The Applicant shall be released from jail immediately after his deposit of said amount of Rs.1,46,00,000/-. The deposit of Rs.1,46,00,000/- in the Registry of this Court shall be condition precedent for his release from jail.

iii) After the Applicant deposits the said amount of Rs.1,46,00,000/- in the Registry of this Court, the Applicant is permitted to furnish cash bail till he completes the procedure of furnishing sureties.

iv) The procedure to submit sureties will be completed within a period of six weeks.

v) After his release from jail, the applicant shall attend Satpur Police Station once in month till submission of charge-sheet and thereafter, once in three months i.e. on every first Monday of the said month between 10.00 a.m. to 12.00 noon till the conclusion of trial.

vi) The applicant shall also attend all dates before the Trial Court.

vii) The Applicant shall not tamper with the evidence and/or pressurize

or threaten the prosecution witnesses.

- viii) Application is allowed in the aforesaid terms.
- ix) All the concerned to act on an authenticated copy of this order.

(A.S.GADKARI, J.)