

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.182 OF 2018

Rupesh Arvind Katkar ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

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Mr.Niranjan Mundargi i/b. Mr.Laxman R. Shahapur, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 11th APRIL 2018.

P.C. :

1 This is application under Section 439 of the Code of Criminal Procedure seeking release of the applicant on bail in Crime No.278 of 2017 for offences punishable under Sections 406, 420, 120-B of the Indian Penal Code, Section 66-D of the Information Technology Act, 2000, Sections 4 and 5 of the Prize Chit Fund and Money Circulation Scheme (Banning) Act and under Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2 Heard the learned Advocate appearing for the

applicant/accused. He argued that out of six accused persons in the crime in question, five accused persons are already released on bail. The applicant/accused was arrested on 25/05/2017 and by now, the charge-sheet has already been filed and, therefore, the applicant is entitled for bail.

3 The learned Advocate further argued that even, according to the prosecution, the amount involved in the crime in question is Rs.55,63,070/-, out of which during investigation, an amount of Rs.10,75,000/- is recovered. That apart, four wheeler vehicle of Ford Endeavour make costing Rs.32 Lakhs is also seized by police and the applicant/accused and his father, who is registered owner of that vehicle has no objection, if the prosecution sells out that vehicle and recovers the money. The learned Advocate further argued that remaining amount will be paid by the applicant.

4 The learned Additional Public Prosecutor submitted that apart from this crime three other crimes are registered against the present applicant in past.

5 During the course of hearing, the learned Advocate for the applicant has tendered an undertaking of Arvind Tukaram Katkar – father of the present applicant/accused Rupesh Katkar. That undertaking is on affidavit. In the said undertaking, Arvind

Katkar has stated that sale-proceeds of the Ford Endeavour car bearing No.MH-03-CV-8513 will not be claimed by him or his son i.e. present applicant Rupesh Katkar.

6 The learned Advocate appearing for the applicant/accused, on instructions of the present applicant and his father, submitted that applicant Rupesh Katkar as well as his father Arvind Katkar will not claim sale-proceeds of the Ford Endeavour car seized during the course of investigation, whatsoever may be the result of the trial. Further statement is made across the bar to the effect that the applicant will deposit an amount of Rs.Three Lakhs before the trial Court before release and he will deposit remaining Rs.Ten Lakhs before the trial Court within eight weeks from the date of his release. Similar is the statement in the undertaking given by Arvind Katkar – father of the present applicant. The statement so made is accepted.

7 Considering the fact that the entire amount of Rs.55,63,070/- involved in the crime in question is secured and as the investigation is over, further pre-trial detention of the present applicant is not warranted. Therefore, the Order :

ORDER

(i) The Application is allowed.

(ii) The applicant/accused in Crime No.278 of 2010 for the

offences punishable under Sections 406, 420, 120-B of the Indian Penal Code, Section 66-D of the Information Technology Act, 2000, Sections 4 and 5 of the Prize Chit Fund and Money Circulation Scheme (Banning) Act and under Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 registered with Nigadi Police Station is directed to be released on bail after depositing an amount of Rs.Three Lakhs with the trial Court as well as on executing P. R. Bond in the sum of Rs.25,000/- and on furnishing one or two sureties in the like amount.

- (iii) As a condition of this Order, the applicant should not tamper the prosecution witnesses in any manner and should not 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 any police officer.
- (iv) The applicant should not indulge in commission of similar offence in future.
- (v) Breach of any of the aforesaid conditions as well as condition to deposit balance amount of Rs.Ten Lakhs in eight weeks from the date of release of the applicant will entail the prosecution to apply for cancellation of bail.

- (vi) Needless to mention that depositing the amount as well as furnishing the undertaking by the father of the present applicant should not be construed to cause prejudice to the present applicant during the course of trial.

(A.M.BADAR J.)