

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

BAIL APPLICATION NO. 220 OF 2018

Manish Amrutlal Rajpopat

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. S.R. Karnik i/b Harshad Borkar for the Applicant.

Mr. R.M. Pethe, APP for the Respondent/State.

Mr. Kamlesh Mishra for original complainant.

CORAM : A.S.GADKARI, J.

DATE : 15th FEBRUARY, 2018

P.C.:

. This is an application under Section 439 of Cr.PC. for bail in C.R. No. 89 of 2017 dated 04.04.2017 registered with MRA Marg Police Station, Mumbai under Sections 406, 409, 465, 468, 471, 420 read with Section 34 of the Indian Penal Code.

2 Heard the learned Counsel for the Applicant and the learned APP. Perused the charge-sheet.

It is the prosecution case that, co-accused Virendra Bhayani was a partner in Mahavir Gas Services along with his brother Nilesh Bhayani. That, there are dispute *inter-se* between the said partners for having control over the said business. It is alleged that at the instance of principal accused Virendra Bhayani,

the Applicant opened two accounts in the name of M/s. Mahavir Gas Services representing himself to be a Proprietor of the said concern. That the funds of original firm were thereafter, diverted in the accounts opened by the Applicant and said amounts were subsequently withdrawn by the Applicant and handed over to the principal accused Virendra Bhayani. It is alleged that the Applicant is beneficiary of Rs.2,00,000/- towards commission for doing the said Act. During the course of investigation, the Applicant came to be arrested on 17.07.2017 and after completion of investigation, the police have submitted charge-sheet as against the Applicant.

3 The statements of various witnesses on record indicates that the Applicant has acted under the direction of said Virendra Bhayani and under his instructions only he had opened two accounts with Thane Bharat Co-operative Bank Limited and Bharat Co-Operative Bank Limited. It prima facie appears that the Applicant has no personal interest in the dispute *inter-se* between said two partners of said Mahavir Gas Services. As noted earlier, the Applicant was arrested on 17.07.2017 and since then, he is in jail. The police have completed investigation as far as the Applicant is concerned and submitted charge-sheet in that behalf and therefore, further incarceration of the Applicant, in view of this Court, is not necessary.

4 In view of the above, the Applicant can be released on bail.

Hence, the following order:

- i) The Applicant be released on bail in C.R. No. 89 of 2017 dated 04.04.2017 registered with MRA Marg Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- ii) After his release from jail, the applicant shall attend the concerned Police Station on every first Monday of the month between 11.00 a.m. to 2.00 p.m.
- iii) The Applicant shall also attend all the dates before the Trial Court.
- iv) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.
- v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)