

*Sarnobat*

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

**CRIMINAL BAIL APPLICATION NO. 247 OF 2018**

|                           |                |
|---------------------------|----------------|
| Sanjay Pandurang Koli.    | .. Applicant.  |
| Vs.                       |                |
| The State of Maharashtra. | .. Respondent. |

Mr. Kuldeep S. Patil a/w Ms. Megha Bajoria, for the Applicant.  
Mr. S. H. Yadav, APP for the Respondent.  
Mr. D. T. Mahadik, API, EOW, Unit-I, Navi Mumbai.

**CORAM : P. N. DESHMUKH, J.**

**DATE : 27<sup>th</sup> MARCH, 2018.**

**P. C. :**

1. This application is for grant of bail in Crime No. 20/2017 initially registered by Kalamboli Police Station, for the offence punishable under Sections 420 465, 467, 468, 471, 447, 120-B of Indian Penal Code on the basis of report by Deepak Mahadik, PI , Kalamboli Police Station. Admittedly, charge-sheet against applicant in the present Crime is filed. However, learned APP submits that on obtaining order from Learned Metropolitan Magistrate's Court further investigation is in progress.

2. Learned counsel for applicant submits that, applicant's involvement in this crime came to be revealed, during the investigation of Crime No. 02/2017 registered with Kalamboli Police Station. In which

crime, this Court observing that applicant was arrested on 2<sup>nd</sup> January, 2017 and had returned amount of Rs.60,00,000/- to the owners and also finding that other persons involved in that Crime were protected by anticipatory bail and some persons were granted bail subject to their depositing amount and some persons without imposing such condition, released applicant on bail by its order in Cri. Bail Application No.1492/2017 on his depositing sum of Rs.50,00,000/- and on furnishing P.R. in the sum of Rs.1 lakh with direction to attend I.O. and not to tamper with the prosecution witnesses.

3. Learned counsel for applicant by referring to the observations of this Court in earlier order by which, applicant came to be released on bail, has further pointed out that, this Court has also considered aspect of sufficient time that would be required for disposal of the case, and on a specific query made by the Court to applicant to show his bonafides, applicant without prejudice to his rights submitted that he is ready and willing to deposit substantive amount and on his own, gave his willingness to deposit Rs.25,00,000/- with this Court. Considering above facts with facts involved in that Crime this Court, granted bail to applicant on his depositing Rs.50,00,000/- and by imposing other conditions.

4. Learned counsel for applicant by further referring to order of this court granting bail to wife and sister-in-law of applicant in said

crime, had submitted that both those female applicants, being partners of applicant's Firm, since were not directly involved with the day to day affairs of their partnership business, which was conducted by applicant, granted interim protection to them on their depositing sum of Rs.4,50,000/- each with the Registry of this Court which order admittedly was subsequently confirmed.

5. It is also submitted that applicant is arrested on 18<sup>th</sup> March, 2017 and since then is in custody and that, all the offences are triable by the Magistrate's Court. It is therefore, submitted that, as facts involved in Crime No.02/2017 and the present crime are same, applicant be released on bail. To show his bonafides, he is willing to deposit Rs.25,00,000/- only with the Registry of this Court, as he being in custody for a long time, as aforesaid, is unable to deposit any more amount.

6. Learned APP opposed the application contending that applicant's involvement is in serious offence wherein, he has fabricated documents and thus, has erected building on the Government land inspite of having knowledge that he had no such right upon such land. He further submitted that applicant is one of the partners of a Firm involved in these cases who had entered into a tripartite agreement in which their share is of Rs. 1 Crore 50 Lakhs in both Crimes being Crime No. 2/2017 and Crime No.20/2017, and thus submitted that

application be rejected as there is apprehension of applicant's tampering with the prosecution witnesses.

7. Considering submissions advanced by both sides and in view of the fact that this Court by its earlier order in Crime No.02/2017 having similar facts as stated aforesaid found applicant to be entitled for bail, application is liable to be allowed as the role attributed to the applicant in the present Crime is similar to earlier Crime. Admittedly order passed in Criminal Bail Application No. 1492/2017 granting bail to applicant in Crime No. 02/2017 has reached to its finality. In view of facts as aforesaid and considering that applicant without prejudice to his rights to show his bonafide is willing to deposit Rs.25,00,000/-, application is liable to be allowed by imposing suitable conditions as per order below;

**ORDER**

- (i) Applicant shall deposit Rs.25,00,000/- with Registry of this Court on or before 10<sup>th</sup> April, 2018.
- (ii) On Applicant's depositing amount as aforesaid, he shall be released on bail on his executing PR bond in the sum of Rs.1,00,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper with the witnesses in any manner and shall mark his presence with

Investigating Officer on 1<sup>st</sup> and 15<sup>th</sup> day of each month, initially for a period of three months and thereafter quarterly on 1<sup>st</sup> day of each month pending trial.

(iv) Applicant shall deposit his passport if not earlier deposited as per direction of this Court passed in Bail Application No.1492/2017 with the Investigating Officer and shall not leave jurisdiction of Navi Mumbai and Raigad District without permission of the Trial Court.

(v) Application is allowed in above terms.

**[ P. N. DESHMUKH , J.]**