IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 517 OF 2018

Arvind Sethi ….Applicant.
Vs.
The State of Maharashtra ….Respondent.

BAIL APPLICATION NO. 499 OF 2018

Subhash Kumar Roy ….Applicant.
Vs.
The State of Maharashtra & Anr. ….Respondents.

Mr. Prashant Pandey for the Applicant in BA No. 517 of 2018.
Mr. Niranjan Mundargi I/by Kunal d. Ambulkar for the Applicant in ABA No. 499 of 2018.
Mr. Shishir Hire, Special P.P. for CBI.
Ms. J.S. Lohokare, APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.
DATE : 10th JULY, 2018.

P.C.:-

These are the Applications under Section 439 of the Code of Criminal Procedure for bail in CR No. RC0682017E0014 dated 31st August 2017, registered with CBI, EOW, Mumbai under Section 120(B) read with Sections 420, 465, 467, 468 and 471 of the Indian Penal Code, now culminated into CBI Special Case No. 4 of 2018.

2 Heard the learned counsel appearing for the Applicants and the learned APP. Perused the charge sheet.

3 The Applicant in BA No. 517 of 2018 is accused No.3 and the Applicant in BA No. 499 of 2018 is accused No.4 in the said crime.

The present crime is lodged on the basis of the first information report dated 31st August, 2017 lodged by the Central Bank of India, M.M.O. Branch, Fort, Mumbai. That, after completion of the investigation, the Respondent-CBI has filed charge sheet before the Court of Competent jurisdiction on 9th January, 2018.

The record further indicates that after filing of charge sheet, the concerned Court i.e. the learned Special Judge, CBI, Greater Mumbai issued summons to the Applicants making it returnable on 24th January 2018. The Applicants thereafter remained present before the concerned Court and filed Bail Applications below Exhibit Nos. 5 and 7 respectively in CBI Case No. 4 of 2018. The learned Trial Court, by separate impugned orders dated 1st February, 2018 was pleased to reject the said Bail Applications.

That, after rejection of the said Bail Applications, the Applicants have been taken into custody on 1st February, 2018 and since then they are in jail.

4 It is to be noted here that, during the course of the investigation, the Investigating Officer never sought custody of the

Applicants and investigated the crime, as the investigation was based solely on documents. It is only after the Applicants appeared before the Special Judge, CBI in Special Case No. 4 of 2018, in furtherance of summons issued to them making it returnable on 24th January, 2018, their filing of Applications for bail below Exhibit Nos. 5 and 7 respectively, and after its rejection on 1st February 2018, the Applicants have been taken into custody.

5 As noted earlier, the investigation of the present crime was completed by the Investigating Officer without seeking custody of the Applicants during the intervening period i.e. from the date of lodgment of the crime till the submission of the charge sheet and therefore, no fruitful purpose will be served by keeping the Applicants in further incarceration. In view thereof, the Applicants can be released on bail.

Hence, the following order.

a) The Applicants be released on bail in CR No. RC0682017E0014 dated 31st August 2017, registered with CBI, EOW, Mumbai now culminated into CBI Special Case No. 4 of 2018, on their furnishing PR bond of Rs.25,000/- with

one or two separate solvent local sureties in the like amount.

b) After their release from Jail, the Applicants shall attend the office of CBI, EOW Mumbai on every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the conclusion of trial.

c) The Applicants shall attend all the dates before the Trial Court unless precluded on medical reasons.

d) The Applicants shall not tamper with the evidence and/or pressurize the prosecution witnesses.

6 Applications are allowed in the aforesaid terms.

(A.S. GADKARI, J.)