

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

**BAIL APPLICATION NO.553 OF 2016
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Ramesh Vithaldas Somaiya

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. A.H. Ponda i/b Pravina Thakkar for the Applicant.
Smt. J.S. Lohokare, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 23rd JULY 2018

P.C.:

1. These are the applications under Section 439 of the Cr.P.C. for bail in C.R.Nos.556/2013, 178/2013, 495/2013 and 473/2013 respectively registered with Mulund Police Station under Sections 406, 420, 465, 467, 468, 471, 120(b) of the Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned

APP. Perused the charge-sheet. Also perused the affidavit dated 15.06.2018 filed by the investigating officer Shri. Deepak Kadam.

3. The prosecution case in nutshell is that, the applicant alongwith other accused persons submitted bogus/forged documents of M/s. Automotive Manufactures and also submitted forged and/or fabricated documents pertaining to the R.T.O. Department, Government of Maharashtra and availed loan facilities from the concerned financial institutions. The applicant was initially arrested in C.R.No.178/2014 on 16.09.2014 and was subsequently transferred in other crimes under the orders of the concerned Magistrate. After completion of investigation, the police have submitted charge-sheet.

4. A perusal of charge-sheet of the aforesaid crimes would indicate that the applicant was initially arrested on 16.09.2014 in C.R.No.178/2013 and thereafter his custody has been sought in other crimes under the orders of the learned Magistrate.

A perusal of charge-sheet would further indicate that, as far as the applicant is concerned, he is not involved in crime under Section 467 of the IPC and the allegations pertaining to the said Section are

applicable to the principal accused Mr. Tejas Lodaya and Smt. Maheshwari. It further appears that, the applicant was an employee of said Tejas Lodaya and under his directions the applicant signed various documents and opened accounts with the bank. The offence alleged against the applicant is triable by Magistrate. The applicant has already undergone about four years of incarceration as under trial prisoner. The trial of the afore-stated crimes is yet to be commenced and the possibility of trial being commenced and concluded in near future is remote.

5. After taking into consideration the afore-stated facts, this Court is of the view that, the applicant can be released on bail.

Hence, the following order.

a) The applicant be released on bail in C.R.Nos.131/2013, 56/2013, 96/2013 and 92/2013 respectively registered with Mulund Police Station, Bhiwandi, Dist. Thane on his furnishing PR bond of Rs.25,000/- in each case with one or more separate solvent local sureties in the like amount.

b) After his release from Jail, the applicant shall attend the Mulund Police Station on every first Monday of the month

between 11.00 a.m. to 1.00 p.m.

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

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

6. Applications are allowed in the aforesaid terms.

(A.S.GADKARI, J.)