

Anand

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

BAIL APPLICATION NO. 825 OF 2018

1. Rinku Sureshsingh Solanki .Applicants
2. Upendra Gyanedrasingh Badoria
3. Raja alias Raj Anil Tiwari

Vs.

The State of Maharashtra .Respondent

Mr. Priyal Sarda i/b. Mr. V. V. Tarepatil, Advocate, for the Applicants
Mrs. Rutuja Ambekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.04.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek their enlargement on bail in connection with C. R. No. 197 of 2017 registered with the Malad Police Station, Mumbai (subsequently transferred to DCB, CID, Unit No. 11, Mumbai and re-numbered as C. R. No. 21 of 2017), for the alleged offences punishable under Sections 419, 420, 465, 468, 471 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicants seeks bail on the ground

of parity. He submits that identically placed co-accused – Anilsingh Dalveersingh Rajawat has been enlarged on bail by this Court (Coram : Revati Mohite Dere, J.) vide Order dated 12.04.2018 passed in B. A. No. 2886 of 2017.

4. Although learned APP opposed the Application, learned APP was unable to show any incriminating material to connect the Applicant with the alleged offence. She submitted that the only material as against the Applicant is the statement of co-accused.

5. Perused the papers. It appears that the Applicant Nos. 1 & 2 were working with the Call Centre, which was run by the Applicant No. 3. There is a Leave & License Agreement executed between the Applicant No. 3 and the owner of the premises where the Call Centre was being run. Learned APP has not been able to point out any incriminating material apart from the statement of the co-accused which is inadmissible, to show the complicity of any of the Applicants. Similarly placed co-accused has been enlarged by this Court. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the Application is allowed and

the Applicants are enlarged on bail on the following terms & conditions :-

ORDER

- (i) The Applicants be released on cash bail in the sum of **Rs. 50,000/- each**, for a period of six weeks;
- (ii) The Applicants shall furnish PR Bond in the sum of Rs. 50,000/- each, with one or two local sureties in the like amount, within a period of six weeks of his release on cash bail;
- (iii) The Applicants shall attend the concerned Police Station on the **first Sunday of every month** between **10:00 a. m. to 11:00 a. m.**, till the conclusion of the trial;
- (iv) The Applicants shall not tamper the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) The Applicants shall inform their latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (vi) The Applicants to cooperate with the conduct of the trial;
- (vii) The Applicants shall file an undertaking with regard to clauses (iii) to (vi) in the trial Court, within two weeks of their release;

(viii) If there are two consecutive defaults in appearing before the trial Court or in reporting to the Investigating Officer and if there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicants' bail.

7. The Application is accordingly disposed of.

8. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)