

Anand

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

BAIL APPLICATION NO. 992 OF 2018

1. Shailesh Dilipbhai Shingada / Shinghala .Applicants
2. Sanjay Shamaldas Patel

Vs.

The State of Maharashtra .Respondent

Ms Jennifer Michel i/b. Mr. R. Thacker, Advocate, for the Applicants
Mrs. J. S. Lohokare, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.04.2018

P.C.

. Mentioned. Not on board. Taken on board and heard
alongwith ABA No. 712 of 2018, which is on board.

2. Heard learned counsel for the parties.
3. By this Application, the Applicants seek their enlargement on bail in connection with C. R. No. I-97 of 2018 registered with the Manpada Police Station, Thane, for the alleged offences punishable under Sections 420, 504, 506 r/w 34 of the Indian Penal Code.
4. Learned counsel for the Applicants submits that the

Applicants have been falsely implicated in the said case. She submitted that no specific role has been assigned to either of the Applicants i. e. of any cash having being paid to either of the Applicants. She submitted that in fact, the Applicant No. 2 had repaid a sum of Rs. 7,50,000/- by cheque to the Complainant. She relied on page No. 52 of the Application in support of her submission.

5. Learned APP does not dispute the same.

6. Perused the papers. According to the prosecution, the Complainant wanted to sell her flat at Ghatlodia, Ahmedabad and for the same gave an advertisement through 'just dial'. The Complainant has alleged that in 2014, the present Applicants, Meena Patel & Sandeep Joshi all residents of Ahmedabad came and saw the flat. She has further alleged that she sold her flat to her Advocate's wife, however, even after selling the flat, co-accused – Meena Patel, wife of Sanjay Patel was in contact with her. According to the Complainant, her son was unemployed and hence, she was in search of employment for her son; that when she disclosed the same to the accused, they came to her house and gave her a proposal that they would send her son to America for employment, if she paid a sum of Rs. 42,00,000/-. According to the

Complainant, she sold her flat at Dombivali in 2016 and paid a sum of Rs. 42,00,000/- to the accused for the same. She has alleged that all the accused assured her that they would send her son to USA in March, 2017; that when she questioned them, they threatened her with dire consequences, as a result of which she filed the aforesaid FIR / Complaint. The Applicants were arrested on 10.03.2018. It appears that the Applicant No. 2 has returned a sum of Rs. 7,50,000/- to the Complainant on 25.03.2018. The said cheque deposited by the Applicant No. 2 was honoured and as such, the Complainant has received the said amount. No specific allegation has been made by the Complainant, as to whom Rs. 42,00,000/- were paid in cash. The Applicants are in custody since their arrest. Investigation is complete and charge-sheet is filed.

7. Considering the aforesaid, the Application is allowed and the Applicants are enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicants be enlarged on bail, on executing PR Bond in the sum of **Rs. 25,000/- each** with one or two sureties in the like amount;

(ii) The Applicants shall report to the investigating officer of the concerned Police Station on the **first Monday of every month** between **10:00 a. m. and 11:00 a. m.** till the framing of charge;

(iii) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released 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;

(v) The Applicants to cooperate in the conduct of the trial;

(vi) The Applicants shall file an undertaking with regard to clauses (ii) to (v), in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults in appearing before the trial Court or appearing before the investigating officer of the concerned police station, the prosecution will be at liberty to apply for cancellation of the Applicants' bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

(REVATI MOHITE DERE, J.)