IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1002 OF 2018

Mahesh @ Manoj Kamlakar Suravkar .... Applicant

Vs.

The State of Maharashtra .... Respondent

Mr. Raju Maruti Yamgar a/w Mr. Avinash Reddy for the Applicant.
Mr. S.H. Yadav, APP for the State.

Mr. B.D. Jagtap, PSI, Crime Branch, Unit 2, Panvel, Navi Mumbai.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 6th June, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP. Perused the papers of investigation.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 23rd November, 2017 in Crime No.427 of 2017, registered at Kharghar Police Station for the offences punishable under Sections 420 read with 34 of Indian

Penal Code. The investigation is completed and the charge-sheet is filed.

3 It is the case of the prosecution that on 18th November 2017, one Mansi Dhiraj Urankar lodged a report at the police station alleging therein that her husband had been working in Dubai from the year 2003 to 2007 and during that period she had been to Dubai with her husband. She had saved substantial amount till November 2016. She was acquainted with one Jahir Sharfuddin Tandel. Both of them together had saved an amount of Rs.1.00 Crore. She did not have any bank account. After the Government of India had declared the Demonetisation Policy on 8th November 2016, the complainant was worried of the amount which was with her and her so-called brother Jahir. She was apprehensive that the bank would not exchange such a huge amount at one time and therefore she was in search of some people who could do it for her. In the meanwhile, her husband had met with one Sanjay Shirke and he assured him to get the currency notes exchanged on substantial commission. Thereafter on 19th November 2016, he had been to Star Hotel. At

that time, she was carrying Rs.1.00 Crore. When they met Mr. Sanjay Shirke, he was accompanied by Anita Mhasane, her son Ankit Mhasane, Shashank Tawade, Sunil Korade, the present applicant and one Mr. Pednekar. The amount was handed over to Mrs. Anita Mhasane and her son. That they had assured that they would exchange the currency notes from Abhyuday Bank. Thereafter Anita Mhasane had evaded to give the exchanged notes. Anita had also sent misleading messages to the complainant saying that she had deposited the amount, whereas no such amount was deposited. It is in these circumstances that the complainant was constrained to approach the Police and lodged a report. The total amount i.e. misappropriated is Rs.1.00 Crore.

4 On the basis of the said report, Crime No. 427 of 2017 is registered against Anita Mhasane, Ankit Mhasane and all others who were seen in her company near Star Hotel. In the course of investigation, it was revealed that Anita had purchased a flat in Navi Mumbai in Sector 35-E. She had given an advance of Rs.25.00 Lacs.

Similarly she had purchased Inova Car (No. MH-43-0050) for Rs.25.00 Lacs. According to her, initially she had given Rs.80.00 Lacs to Vaibhav and Aashish. Be that as it may, there is no material on record to show that the applicant was a beneficiary of a single farthing. The only material against the applicant is that he was in the company of principal accused at the time when the complainant had handed over money to them. Learned APP submits that Sanjay Shirke, Anita Mhasane, Ankit Mhasane, Mukund Mhasane and others are in custody. There is enough material to indicate that it was a conspiracy between Sanjay, Anita and Ankit.

5 Upon perusal of the records, it can be inferred that the applicant has made out a case for grant of bail. It is made clear that the co-accused shall not claim parity with the present applicant as there is enough material to indicate their involvement in cheating and misappropriation.

6 However the observations made hereinabove are restricted to the application under Section 439 Code of Criminal

Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

<u>O R D E R</u>

1 The application is allowed.

2 The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

3 The applicant shall co-operate with the investigating agency and report to the concerned police station as and when called out.

(*Smt. Sadhana S. Jadhav*, J)