Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1071 OF 2018

Tej Dilip Parekh .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Mubin Solkar a/w Ms Nikita Ajwani, Advocate, for the Applicant
Mrs. J. S. Lohokare, 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 Applicant seeks his enlargement on bail in connection with C. R. No. 631 of 2016 registered with the Borivali Police Station, Mumbai, for the alleged offences punishable under Sections 465, 468, 471, 420 r/w 34 of the Indian Penal Code.

3. Perused the papers. According to the prosecution, co-accused – Ms Priti Gupta, a partner of 'M/s. Parekh Apparels' applied for a loan of Rs. 3,20,00,000/- on behalf of the firm, on 08.12.2014, from the Ahmedabad Mercantile Co.operative Bank Ltd.. It is alleged

by the prosecution, that Ms Priti Gupta submitted documents with respect to the said partnership firm alongwith the loan application and also filed KYC documents, income tax returns etc., for recurring the loan from the Bank. Ms. Priti Gupta is also stated to have produced the partnership deed of the firm, in which the Applicant and one Mr. Bal Krishna Anchan were shown as partners. In the said partnership deed, the Applicant's share was shown as 45%, Mr. Bal Krishna Anchan's share was shown as 25% shares, Ms Priti Gupta' share was shown as 10% and one Yasmin Mirza's share was shown as 20%. After verification of the documents, the Bank sanctioned a loan of Rs. 2,40,00,000/- to the said firm. According to the prosecution, Ms Priti Gupta produced two receipts which were forged & fabricated. According to the prosecution, the Applicant's father and Ms Priti Gupta are the main accused. It appears that the Applicant at the time, when the loan was sanctioned i. e. in 2014 was about 18 years old. The Applicant has completed his Chemical Engineering in August, 2017. Prima facie, there are no allegations as against the Applicant that he forged and fabricated any documents. It appears that the Applicant had earlier appeared before the E.O.W. Investigation is almost complete. Having regard to the role of the Applicant, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant be enlarged on **cash bail** in the sum of Rs. 25,000/-, for a period of six weeks;

(ii) The Applicant shall within the said period of six weeks, furnish P. R. Bond in the sum of Rs. 25,000/- with one or more solvent sureties in the like amount;

(iii) The Applicant shall report to the investigating officer of the concerned police station on **every Sunday** between **10:00 a. m. and 11:00 a. m.** till the filing of the charge-sheet and thereafter, as & when called for by the investigating officer;

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

(v) The Applicant shall inform his 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;

(vi) The Applicant shall not leave India without the prior permission of the trial Court;

(vii) The Applicant to cooperate in the conduct of the trial.

4. 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.)