

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1077 OF 2018**

Freddy Zeral Delima	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Rakesh Bhatkar for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 2nd MAY, 2018

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 106 of 2018 registered with the Charkop Police Station, Mumbai, for the alleged offences punishable under Sections 120(b), 379, 341, 489(C), 365, 211, 323, 506, 504 of the Indian Penal Code.
3. Perused the papers. It is the prosecution case that on 18th March 2018, at about 11:00 p.m., when the complainant-Dhalaram

Choudhary was proceeding to his house, two persons came on a two-wheeler and stopped Dhalaram; that one of the persons started video-shooting the incident and the other person asked him for the papers of the vehicle and the complainant's license; thereafter, three other persons are alleged to come in a car, checked the motorcycle and asked the complainant to open the tool-box of the motorcycle. It is alleged that when the complainant opened the tool-box, 100 rupee currency notes (counterfeit) were seen in the tool-box. According to the complainant, he told the said persons that the currency notes do not belong to him and fled from the spot and telephoned the police and lodged a complaint with the Charkop Police Station alleging the aforesaid offence. It is the prosecution case that the applicant and other co-accused kept counterfeit currency notes in his tool-box. Learned counsel for the applicant submits, that infact, after the registration of the FIR, the complainant had sent a letter to the police stating that the applicant herein, had not committed any offence.

4. According to the learned counsel for the applicant because of the family dispute between the complainant's side and the original accused No.1, the aforesaid complaint was lodged. Learned counsel for the

applicant states that there is one antecedent as against the applicant of the year 2011 for the alleged offences punishable under Sections 323 and 324 of the Indian Penal Code.

5. Be that as it may, investigation is almost over. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or more local sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on every Sunday from 10:00 a.m. to 11:00 a.m., till the filing of the charge-sheet and on the first Sunday of every month from 10:00 a.m. to 11:00 a.m., till the framing of charge;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his 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;

(v) The applicant to cooperate with the conduct of the trial;

(vi) 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 applicant's 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.

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

REVATI MOHITE DERE, J.