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

CRIMINAL BAIL APPLICATION NO.1084 OF 2018

Chetan Ravindra Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.A.S.Pawar, for the Applicant.

Ms.A.A.Takalkar, A.P.P for the Respondent-State.

API – P.R.Gite, Wadala T.T. Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th APRIL, 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.262 of 2017 registered with the Wadala T.T. Police Station, Mumbai, for the alleged offences punishable under Sections 420 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant, on the instructions of the applicant's father, states that the applicant, without prejudice to his rights and contentions is ready to deposit a sum of Rs.70,000/-, in the Registry of this Court.

4. Perused the papers. According to the complainant-Swapnil Deshmukh, in 2015, he was in need of Housing Finance. He has alleged that he received a phone call from one Priyanka Patil of DHFL Pramerika Private Limited, who stated that they were ready to provide housing finance to the complainant. On 24th November, 2015, the complainant forwarded all the requisite documents alongwith a cheque of Rs.30,000/- on the address of Priyanka Patil; that on 26th November, 2015, Priyanka Patil allegedly informed the complainant that the loan was in process and that he would have to pay certain amount in cash; that as per the directions of Priyanka Patil, the complainant paid a sum of Rs.1,45,236/- to Mr.Pratik Sawant, who had come to collect the amount on the say of Priyanka Patil. It is alleged that inspite of making payments to Priyanka Patil, the complainant did not get the housing loan. According to the complainant, he asked for a refund, when he realised that the accused had misrepresented to him and

had extracted money from him. According to the prosecution, the applicant had impersonated himself as Pratik Sawant and had taken the delivery of money from the complainant. The applicant has one similar antecedent, as against him at Ratnagiri.

5. Be that as it may, without going into the merits, considering the fact that the applicant is ready to deposit Rs.70,000/-, 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 furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Monday of every month, between 10:00 a.m. to 12:00 noon, till the filing of the charge-sheet and thereafter, on the first Monday of every month, between 10:00 a.m. to 12:00 noon, till the conclusion of the trial;
- iii) The Applicant shall without prejudice to his rights and contentions,

prior to his release on bail, deposit Rs.70,000/-, in the Registry of this Court.

iv) The trial Court shall release the applicant on bail, only on production of the receipt of deposit of Rs.70,000/-;

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 trial Court as well as to the concerned Police Station, in writing;

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

vii) The Applicant shall co-operate in the conduct of the trial;

viii) An undertaking to the aforesaid clauses (ii) to (vii), shall be filed by the Applicant, in the trial Court, within two week's of his release;

ix) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

(REVATI MOHITE DERE, J.)