

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 1387 OF 2018**

Narendra Rambhau KumbhareApplicant.

Vs.

The State of MaharashtraRespondent.

Mr. K.S. Patil for the Applicant.

Mr. Ameet Palkar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 29th JUNE, 2018.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 118 of 2015 dated 28th February, 2015 registered with Santacruz Police Station, Mumbai under Sections 465, 466, 467, 468, 471, 473, 409 of the Indian Penal Code and Sections 43, 66, 66(a), 85 of the Income Tax Act, 2000

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record.

3 The record indicates that, the accused No.2 Piyush Jain @ Suraj Santosh Thakur has been held guilty and the Trial Court convicted him for maximum imprisonment for three years and to pay a fine as has been prescribed in the Judgment and Order dated 23rd

March, 2017 passed by the learned Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai.

4 The Applicant is the accused No.1 in the said crime. The Applicant has been arrested on 7th March 2015 and since then he is in jail. The Applicant has already undergone more than 3 years and 3 months of imprisonment as an under trial prisoner.

5 In view of the fact that the co-accused person has been convicted for the period of 3 years, without going into the merits of the case, I am inclined to release the Applicant on bail.

6 Hence, the following order.

- a) The Applicant be released on bail in CR No. 118 of 2015 dated 28th February, 2015 registered with Santacruz Police Station, Mumbai, on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After his release from Jail, the Applicant shall attend the office of the EOW Unit-9, Mumbai, on every alternate Monday of the month between 11.00 a.m. to 1.00 p.m. initially for the period of

six months and thereafter, every first Monday of the month between 11.00 a.m. and 1.00 p.m., till the conclusion of the trial against him.

- c) The Applicant shall attend all the dates before the Trial Court unless precluded on medical reasons.
- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)