

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1966 OF 2017
Kiran P. Uchil vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Amita Kuttikrishnan i/by Chandravali Nair for the Applicant.

Smt. Rutuja Ambekar, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 17th July, 2018

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No. 172/2016 dated 9.11.2016 registered with Vishnunagar Police Station, Dombivali, District Thane under Sections 406, 419, 420, 465, 469, 471 of the Indian Penal Code and under Section 39 of the Maharashtra Money Lending Act.
2. Heard the learned counsel for the applicant and the learned APP. Perused the charge sheet.
3. The applicant is accused No.1 in the present crime.
4. The prosecution case in brief is that, the applicant printed his visiting cards and it is stated therein that, he is concerned with All India Human Rights Association and KGK

Associates. It is alleged that the accused No.2 Smt. Kushala i.e. the wife of the applicant by giving false assurances to the needy persons that, she will be able to procure loan at reasonable rates, accepted substantial amount from the needy persons and subsequently defalcated it. It is further alleged that, the said accused Smt. Kushala on her letter head printed symbol of Advocate's thereby depicting that she is a practicing Advocate. The accused No.2 Smt. Kushala after winning confidence from the people induced them to deposit money with her and subsequently defalcated the said amount. It is further alleged that, accused No.2 defalcated an amount of approximately Rs.76.00 lakhs in toto.

4. The record indicates that, the applicant is beneficiary of sum of Rs.7,77,000/- out of the said total proceeds of the crime. In furtherance of the Order dated 11.7.2018 the learned counsel for the applicant has tendered across the bar affidavit of the applicant dated 14.7.2018 duly affirmed before the Superintendent of Kalyan District Prison. It is stated in the affidavit that out of the total amount of Rs.7,77,000 an amount of Rs.2.00 lakhs will be paid within a period of two weeks from today to show his bonafide in the registry of this Court and the

balance amount of Rs.5,77,000/- will be deposited in the registry of this Court within a period of six months from today. The said affidavit is taken on record and marked "X" for identification. In view of the said affidavit filed by the applicant and without going into the merits of the matter, I am inclined to release the applicant on bail.

Hence, the following order.

- a) The applicant shall be released on bail in CR No. No. I-172/2017 dated 9.11.2016 registered with Vishunagar Police Station, Dombivli, District Thane on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After is release from Jail, the applicant shall attend the concerned police station on every first Monday of the month between 11.00 a.m. to 1.00p.m.
- c) The applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.
- d) The applicant shall not tamper with the evidence and /or influence the prosecution witnesses.
- e) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)