

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

CRIMINAL BAIL APPLICATION NO. 2323 OF 2018

Kunal Narendra Sharma	... Applicant
Vs.	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO. 1322 OF 2018
IN**

CRIMINAL BAIL APPLICATION NO. 2323 OF 2018

Ramkrishna Parshram Pawar	... Intervenor
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In the matter of between

Kunal Narendra Sharma	... Applicant
Vs.	
The State of Maharashtra	... Respondent

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Mr. Niranjan S. Mundargi I/by Mr. A.L. Chawdhary for the applicant.

Mr. S.R. Agarkar, APP for the Respondent-State.

Mr. Vijaykumar Dighe for the intervenor.

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CORAM : PRAKASH D. NAIK, J.

DATE : 26th NOVEMBER, 2018.

P.C.

1. This is an application for bail in C.R. No. 101 of 2018 registered with Kadakpada Police Station for the offence punishable under Section 420, 468, 473, 417, 170 read with 34 of the Indian Penal Code. The applicant was arrested on 26th March, 2018.

2. The prosecution case is that the brother-in-law of the

complainant had introduced co-accused Amrut Bhika Borse to the complainant as local politician having influence. Subsequently, he visited the dispensary of the complainant who is doctor by profession. The co-accused represented that the complainant can be appointed as a member of National Commission for Schedule Tribe (NCST) which is prestigious appointment. He further represented that the complainant will have to spend some amount for such appointment. In view of that the complainant had parted with huge amount of Rs.13,90,000/-. The co-accused represented that the appointment will be done in a short span of time. Complainant and co-accused went to Delhi for collecting appointment letter from NCST. Complainant met another accused Sunil Sharma and one unknown person. Sunil Sharma gave letter head and visiting card bearing name of complainant to complainant. Co-accused Borse demanded more amount. The complainant then learnt that he is cheated. Applicant was arrested on 26th March, 2018. On completing the investigation, the chargesheet has been filed.

3. Learned counsel for the applicant submitted that applicant has been falsely implicated in the present case as he has nothing to do with the representation made by the co-accused. No

incriminating material has been recovered from him. It is submitted that no role has been attributed to the applicant in the alleged crime. Entire amount has been handed over and credited to the account of co-accused. It is further submitted that applicant is not involved any forgery of documents and there is no evidence to substantiate such allegations. It is submitted that the identity of the applicant has not been established as there is no identification parade. He further submitted that supplementary statement of the complainant was recorded on 29th March, 2018 in which it is stated that the complainant has identified the applicant as the person who handed over the bag containing letter pad and also represented with regards to the letter of appointment of the complainant in the said Commission would be handed over on the next date. It is submitted that except the aforesaid statement there is no cogent evidence against the applicant showing his involvement in the crime. It is further submitted that applicant is in custody from the date of arrest and further detention is not necessary.

6. Learned APP submitted that all accused had connived with each other in cheating with the complainant. False promise made to the complainant with regards to the appointment to the

Commission. He was induced to part with the huge amount of Rs.13,90,000/- to the accused. There is sufficient evidence against the applicant. There is every possibility that the applicant would tamper with the evidence. Learned counsel for the intervenor has opposed the application for bail.

7. I have perused the First Information Report and the other relevant document. The case of the prosecution is that the co-accused Amrut Bhika Borse was introduced to the complainant by his relative as the person having influence. The complainant has stated that the amount was parted to co-accused Amrut Bhika Borse from time to time. False representation was made to him by the said accused. Amount was credited into the account of his co-accused. It is alleged that other persons including the applicant is party to the conspiracy. It is pertinent to note that the prosecution has not established that the applicant is concerned with the forgery of the document. Identification of the applicant was done at the police station while recording the supplementary statement of the complainant. There was no identification parade. Taking into aforesaid circumstance and considering the fact that the applicant is in custody from 26th March, 2018 and since investigation is completed and chargesheet has been filed, the case

for grant of bail is made out. Hence, I pass the following order.

ORDER

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with C.R. No. 101 of 2018 registered with Khadakpada Police Station on furnishing PR bond in the sum of Rs.30,000/- with one or more local solvent sureties in the like amount;
- iii. Applicant shall report the concerned police station once in a month on First Saturday of the month between 10 a.m. to 12 noon till further order;
- iv. Applicant shall furnish documents relating to his residence to the investigating officer after he is released on bail;
- v. Applicant shall not tamper with evidence;
- vi. Applicant shall attend the dates of hearing before the Trial Court, unless exempted by Court;
- vii. Criminal Bail Application No. 2323 of 2018 and Criminal Application No. 1322 of 2018 stand disposed off.

(PRAKASH D. NAIK, J.)