

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

**BAIL APPLICATION NO. 2728 OF 2017
WITH
APPP/475/2018 IN BA/2728/2017**

Kirit Murji Shah

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. M.K.Kocharekar I/b. Mr. Sufian for the Applicant.

Ms. J.S.Lohokare, APP for the State.

Mr. Amit Munde I/b. Swapnil Chopade for the Intervenor.

Mr. V.G.Jadhav, PSI, Andheri P.Stn., present.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : OCTOBER 30, 2018.**

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid applicant, who has been arrested in Crime No. 256 of 2017 registered with Andheri Police Station for offences under Section 406, 420, 465, 467, 468, 471 r/w.34 of Indian Penal Code r/w. Section 9, 4(a), 13 of Maharashtra Ownership Flats Act.

2. The learned Counsel for the applicant and the learned Counsel for the Intervenor submits that during pendency of this application

they have settled the dispute and that they are in process of filing application for quashing.

3. The applicant is in custody since 7th June, 2017. The investigation is concluded, chargesheet is filed. The learned APP submits that presence of the applicant is no longer required for the purpose of investigation and interrogation.

4. Considering the above facts and circumstances, without going into merits of the matter, the application is allowed on following terms and conditions:-

- (i) The applicant who is arrested in Crime No.256 of 2017 registered with Andheri Police Station, is ordered to be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount;
- (ii) The applicant is permitted to furnish cash surety for a period of three weeks;
- (iii) The applicant shall report to the concerned police station on the first Monday of every month until further order;
- (iv) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer

and in the bail bond;

(v) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(ANUJA PRABHUDESSAI, J.)