

Anand

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

BAIL APPLICATION NO. 2832 OF 2017

Dr. Machhindranath Ananda Mekhle .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
CRIMINAL APPLICATION NO. 55 OF 2018
(For Intervention)
IN
BAIL APPLICATION NO. 2832 OF 2017**

Chitra A. Salunkhe .Intervenor

IN BETWEEN

Dr. Machhindranath Ananda Mekhle .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. A. P. Mundargi, Senior Counsel i/b. Mr. Omkar Gupte, for the
Applicant

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

Mr. Pradeep Havnur a/w Ms Radhika Sawant, Advocate, for the
Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 11.04.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 44 of 2016 registered with the Govandi Police Station, Mumbai, for the alleged offences punishable under Sections 465, 467, 468, 471, 406, 420 r/w 34 of the Indian Penal Code.

3. Perused the papers. According to the Complainant – Chitra Salunkhe, there was rampant corruption and illegal acts committed by the committee members in the redevelopment project of Shri Sant Balumama Sahakari Grihnirman Sanstha Yojan Niyojit (an SRA Scheme). It is alleged that documents were created to show that there were tenements in the Applicant's name, despite the fact, that he had no tenements. Pursuant to the letter / complaint dated 10.02.2016 the same was treated as an FIR and the aforesaid offences were registered as against accused i. e. Nilesh Modi, Sayyed, Yuvraj Kharat, Vanmala Kharat, the present Applicant & others. After investigation, charge-sheet was filed as against the accused. It is informed that further investigation under Section 173(8) of Cr.P.C. is still in progress. It is not in dispute, that co-accused – Vanmala Kharat, an office bearer and promoter of the said society and her husband – Yuvraj Kharat were enlarged on bail by the trial Court in August & November, 2017 respectively. The allegation

as against co-accused Vanmala Kharat is that she took money from several persons and assured them that rooms would be allotted to them and accordingly issued receipts to them. It is alleged that Vanmala Kharat had forged those receipts. The allegation as against the Applicant, who is a Doctor is, that although, he was entitled to three tenements in the said SRA Scheme, 12 additional rooms (six residential and nine commercial) were allotted to him on the basis of forged and fabricated receipts issued by Vanmala Kharat. It is informed that the Applicant was neither an office bearer of the Society nor was he in any way concerned with the said Society. In the house search of the Applicant, xerox copies of the forged and fabricated receipts were found. No doubt, prima facie, there is some material as against the Applicant, showing his complicity, however, investigation as against the Applicant is complete and charge-sheet is filed. Similarly placed co-accused – Vanmala Kharat and Yuvraj Kharat have been enlarged on bail by the trial Court. The Applicant is in custody since 07.08.2017. There are no antecedents qua him.

4. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

- (i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 50,000/-** with one or two local solvent sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station on the **first Sunday of every month** between **10:00 a. m. and 11:00 a. m.** for a period of 12 months or till the filing of the supplementary charge-sheet, whichever is earlier;
- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) 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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The Applicant to cooperate with the conduct of the trial;
- (vi) The Applicant shall not leave the country without the prior permission of the trial Court;
- (vii) The Applicant shall deposit his passport, if not deposited in the trial Court before his release;

(viii) If there are two consecutive defaults in appearing before the trial Court or before the concerned police station, the prosecution will be at liberty to apply for cancellation of the Applicant's bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. In view of disposal of the Application, the Intervention Application, being Cri. Appln. No. 55 of 2018 does not survive and same stands disposed of accordingly.

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

(REVATI MOHITE DERE, J.)