

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 556 OF 2019**

Dhammadip Pralhad Bansode	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Raul Arote for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

PI Mr. Rajendra Kadam from Economic Offences Wing, Thane City, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 24th JULY 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 631 of 2014 registered with the Mahatma Phule Police Station, Kalyan, District Thane, for the alleged offences punishable under Sections 420, 465, 467, 471, 441 r/w 34 of the Indian Penal Code.

3 Learned counsel for the applicant submits that the applicant was only an employee working with Swapnil Pol, the Director of M/s.

Gajanan Homes. He submits that the main co-accused-Swapnil Pol has pleaded guilty, pursuant to which, he was convicted and was sentenced to suffer imprisonment for three years. He submits that the applicant is in custody since April 2017. He submits that admittedly, no money has gone in the applicant's account. He further submits that the applicant has no antecedents.

4 Learned A.P.P opposes the application. She submits that the applicant had shown the flat to Nitin Bansode and has also accepted money from Nitin Bansode towards purchase of the said flat. She further submits that the applicant has withdrawn various amounts from the company's account.

5 Perused the papers. It appears that Swapnil Pol, Director of M/s. Gajanan Homes, the owners of the land-Janardan Jadhav and Arjun Jadhav as well as the applicant were arrested in the aforesaid C.R. for cheating flat purchasers. Learned A.P.P has not been able to submit any document showing that the applicant is Director of the said Company i.e. M/s. Gajanan Homes. In these circumstances, whether or not the applicant

was only an employee or a director, is a matter, which will be decided by the trial Court. All other co-accused including the owners of land-Janardan Jadhav and Arjun Jadhav have been released on bail. There is nothing to show that any amount was deposited by the applicant in his own account, nor any cheque was drawn by the flat purchasers in the name of the applicant. It appears that all payments/cheques were drawn in the name of the company i.e. M/s. Gajanan Homes, of which, Swapnil Pol was the Director. Swapnil Pol has been convicted for the offence, as he pleaded guilty and is sentenced to suffer imprisonment for three years. The applicant is in custody since 2017. Investigation is complete and charge-sheet is filed.

6 Considering the aforesaid, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m, till the conclusion of trial;

(iii) 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;

(iv) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7 The application is accordingly disposed of.

8 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.