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

CRIMINAL BAIL APPLICATION NO.586 OF 2019

Kishor Hemandas Nathani	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.K.S.Patil, for the Applicant.

Mr.S.V.Gavand, A.P.P for the Respondent - State.

Mr.Niranjan Mundargi i/b Mr.K.D.Ambulkar, for the Original Complainant.

P.I. - Asha Korake, D.C.B. C.I.D. Unit – IX, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 7th JUNE, 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.17 of 2018 registered with the DCB, CID, Unit – IX, Bandra (West), Mumbai, (Juhu Police Station, Mumbai, C.R.No.I-133 of 2018), for the alleged offences punishable under Sections 376, 420, 406, 465, 467, 468, 469, 471 and 506 of the Indian Penal Code.

3. Perused the papers. According to the complainant, aged 63 years, co-accused – Sarfaraz gained her confidence and induced her to disclose various details and documents relating to her movable as well as immovable properties and thereafter deceived her to the extent of Rs.15 crores, in respect of the said properties. According to the complainant, several documents as well as cash and ornaments were entrusted by her to the main accused – Sarfaraz. The complaint discloses that the allegations are essentially as against Sarfaraz.

4. Infact, Mr.Mundargi, learned counsel for the complainant submits that the complainant has not made any allegations as against the applicant, inasmuch as, the complainant has no occasion to meet the applicant and that the transactions are essentially with the main accused - Sarfaraz.

5. Learned Counsel for the applicant submits that the only allegation qua the applicant is that he allegedly forged an allotment letter of MHADA, which was used by the main accused – Sarfaraz; and that in the banker's cheque, the applicant typed an amount of Rs.15 lakhs on it. He

submits that however the said cheque admittedly was not used by any person. He states that although there are two cases registered as against the applicant, the same were registered after the applicant was arrested in the said case and that the allegations are similar in nature. He submitted that in one of the case, being C.R.No.125 of 2016, registered with the Bangur Nagar Police Station, the applicant has been enlarged on bail.

6. Learned APP does not dispute the aforesaid i.e. the allegations as against the applicant as disclosed here-in-above.

7. Admittedly, according to the complainant, the entire transaction was with Sarfaraz, who is in custody, at present. It appears that all the 3 cases, in which, the applicant is arrested are similar in nature, out of which in one case, he has been enlarged on bail. As far as the banker's cheque is concerned in which an amount of Rs.15 lakhs was typed on it, admittedly the same was not been used by any person. The applicant is in custody since 18th April, 2018. Charge-sheet is filed in the said case.

8. Considering the aforesaid, the application is allowed and the

applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or more local sureties in the like amount;
 - ii) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
 - 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 trial Court as well as to the concerned Police Station, in writing;
 - iv) The Applicant shall not leave the country, without the permission of the trial Court.
 - v) The Applicant shall co-operate in the conduct of the trial.
9. The Application is allowed and disposed of in above terms.

10. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

REVATI MOHITE DERE, J.