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

CRIMINAL BAIL APPLICATION NO.674 OF 2019

Arunkumar Shambhu Bhagat	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Rakesh Singh, for the Applicant.

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

PSI – H.H.Mitke, Kurar Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 13th 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.280 of 2018 registered with the Kurar Police Station, Mumbai, for the alleged offence punishable under Section 408 of the Indian Penal Code.

3. Perused the papers. According to the complainant, the applicant was working with a Marble company “Tinka Tones”. It is stated that the employer was residing out of country most of the times and as such the workers were taking care of the business of the company. It is alleged by the complainant that the daily collection of the company was collected and kept with the applicant at his house, as the employer of the company had implicit trust in the applicant. It is alleged that an amount of Rs.47 lakhs was collected by the company in a few months towards sale proceeds and were given to the applicant, however, the applicant misappropriated the same.

4. Learned Counsel for the Applicant submits that except the bare statements made by the witnesses, no material has been collected to show who had made the cash payments. An amount of Rs.16,10,000/- has been recovered from the applicant. The applicant is in custody since 12th September, 2018. Investigation is complete and charge sheet is filed. The applicant has no antecedents.

5. 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 released on cash bail in the sum of Rs.25,000/-, for a period of eight weeks;
- ii) The Applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs.25,000/- with one or more local sureties in the like amount;
- iii) The Applicant shall attend the concerned Police Station, on every Monday between 10:00 a.m. to 11:00 a.m., till the sureties are furnished and accepted by the appropriate authorities and thereafter on the first Monday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- 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 trial Court

as well as to the concerned Police Station, in writing;

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

vi) The Applicant shall co-operate in the conduct of the trial;

vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his release;

viii) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

6. The Application is allowed and disposed of in above terms.

7. 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.

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

REVATI MOHITE DERE, J.