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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1151 OF 2019

Gajanan Laxman Palave ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.V.V.Purwant, for the Applicant.

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

PSI – Rajan Dhuri, Sakinaka Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 7th AUGUST, 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.386 of 2018 registered with the Sakinaka Police Station, Mumbai, for the alleged offences punishable under Sections 420 and 170 of the Indian Penal Code.

3. Perused the papers. According to the complainant - Ramesh Jain, owner of a jewelery shop, the incident took place on 17th June, 2018. The complainant has stated that the applicant called the complainant on his mobile phone and informed him that he wanted to buy some gold and gave reference of one Anita Shiravnakar. Pursuant thereto, the complainant sent some photographs to the applicant and the applicant chose one 40 gm gold chain worth Rs.1,43,000/-. As the applicant approved the said gold chain and showed his willingness to purchase the same, the complainant sent the applicant his S.B. Bank Account for NEFT tranfer. Thereafter, the applicant sent a photograph of the slip of his Axis Bank Account to show that the said amount was transferred to the complainant's bank, through NEFT. Pursuant thereto, the complainant handed over the gold chain to Anita, at the request of the applicant. The complainant has further stated that he called up his bank to check whether the NEFT transaction was complete but the bank officials informed him that such transactions take time. The complainant has stated that the applicant and Anita informed the complainant that the applicant wanted 15 more gold chains worth Rs.9 lakhs. The applicant is again alleged to have transferred the amount through NEFT in the complainant's bank and again a photograph of the slip was

sent to the complainant on the Whatsapp, showing payment. Later the complainant was informed by the SBI Bank that no NEFT transaction was done and that the transaction had failed because of some technical error. Pursuant thereto, the aforesaid complaint was lodged. During the course of investigation, the police recovered gold bars worth Rs.6,78,000/-. The total amount for which the complainant was cheated was Rs.10,43,000/-.

4. Learned Counsel for the applicant has today brought five demand drafts totalling Rs.3,65,000/- to make up the balance amount for which the complainant was cheated. It appears that the applicant has five similar cases registered against him, however, he has been released on bail in the said cases. Out of the total amount of Rs.10,43,000/- for which the complainant was cheated, gold bars worth Rs.6,78,000/- have been seized and the applicant is ready to deposit the balance amount of Rs.3,65,000/- in the Registry of this Court. The applicant is in custody since July, 2018. Investigation is complete and charge-sheet is filed.

5. Learned Counsel for the applicant states that the applicant will deposit the five demand drafts totalling to Rs.3,65,000/- in the Registry of

this Court, within one week from today. Statement accepted.

6. 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.1,00,000/-, for a period of six weeks;

ii) The Applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.1,00,000/-, with one or more local sureties in the like amount;

iii) 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 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 commit similar offence;

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

vii) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;

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

ix) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail;

(x) The Applicant shall not apply for withdrawal of the amount deposited by him, till the conclusion of the trial.

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

8. 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.

9. Stand over to 20th August, 2019, for recording compliance of the aforesaid order. To be listed on the Supplementary Board.

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

REVATI MOHITE DERE, J.