

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1553 OF 2019**

Navinchandra Kuvarji Gada	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Anand Awasarmol with Mr. Rajashree U. Ingle for the Applicant

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

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 10th OCTOBER 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. 326 of 2015 registered with the Vikhroli Police Station, Mumbai, for the alleged offences punishable under Sections 406, 420 r/w 34 of the Indian Penal Code.

3 Learned counsel for the applicant submits that although the FIR was lodged in the year 2015, no steps were taken by the police to summon him, till 2019. He submits that in 2019, the applicant was called to the Police Station, pursuant to which, he attended the police station and he was apprehended in the said C.R. He submits that the allegations made

by the complainant as against the applicant are false and baseless and that no such transaction as alleged had taken place between them. He submits that the dispute pertains to taking utensils and giving clothes in return and that as there was some dispute between them, the complainant has filed a false case alleging that during the period June 2013 to June 2014, the complainant had paid Rs. 28,50,000/- to the applicant and others for giving a flat in MHADA.

4 Learned A.P.P, on the basis of charge-sheet and on instructions of the officer present in Court, accepts that there is no document on record to show that the said money was paid by the complainant to the applicant during the said period, nor has the complainant produced any receipt on record showing payment to the applicant or other co-accused.

5 Perused the papers. According to the complainant, the applicant and others had promised to give him a flat in MHADA, pursuant to which, an amount of Rs. 28,50,000/- was paid by him to the applicant and others during the period June 2013 to June 2014. There are no receipts on record to show making of such payment. *Prima facie*, it appears that no bank statements have been produced by the complainant to show that any such amount was paid by him to the applicant or other co-accused. The

other persons who are alleged to have been cheated according to the complainant, their statements have also not been recorded by the police. The applicant is in custody since 6th January 2019. Investigation is complete and charge-sheet is filed. The applicant has no antecedents.

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

ORDER

(i) The applicant be released on cash bail in the sum of Rs. 20,000/-, 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. 20,000/- with one or two sureties in the like amount;

(iii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 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 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 and attend all the dates before the trial Court, unless exempted;

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

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

(viii) If there is a 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.