

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1834 OF 2019

Vipul Lalji Bhanushali] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Datta Mane, Advocate for the Applicant.

Mr. Prashant Jadhav, APP for the State/Respondent.

ASI S.M. Devare attached to Ayesha Nagar Police Station, Malegaon, District Nashik present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 18th JULY, 2019.

P. C. :-

1. The applicant is seeking bail in connection with C.R.No.I-74/2017 registered at Ayesha Nagar Police Station, Malegaon, District Nashik u/sec. 406 of I.P.C.

2. The investigation in this case is over and the charge-sheet is filed. The trial is pending before the Court of J.M.F.C., Malegaon vide RCC No.545 of 2018.

3. The FIR in this case is lodged by one Jafar Ali Mohammad Iliyas

on 19/08/2017. He has stated in his FIR that, he was into a business of selling clothes. In March 2017, he had entered into transaction with M/s. Mahadeo Fabric at Vapi. Pursuant to their transaction, he sent goods on three occasions i.e. on 01/04/2017, 06/04/2017 and 13/04/2017. The total value of the goods were Rs.1,04,680/-. The goods were received at Vapi. It is the allegations of the prosecution that, the present applicant was the proprietor of M/s. Mahadeo Fabric. After receipt of goods, the applicant switched off his mobile and was not reachable. The first informant went to Vapi along with his driver and cleaner. But the applicant was not found and therefore, this FIR was lodged.

4. The applicant was arrested in this connection on 15/10/2018. The investigation is over and the charge-sheet is filed. The charge-sheet contains statements of the driver and cleaner who have supported the statement of the first informant. The charge-sheet also contains the invoices showing the goods sent to the applicant.

5. Heard Mr. Datta Mane, Ld. Counsel for the Applicant and Mr.Prashant Jadhav, Ld. APP for the State/Respondent.

6. Mr. Mane submitted that his client is willing to deposit the entire amount with the trial court without prejudice to his defence. He submitted that, considering his bonafide intentions and also considering the fact that, he is in custody since 15/10/2018, the applicant deserves to be granted relief of bail.

7. Ld. APP submitted that, the applicant is in custody in connection with some other offence and right now he is in jail in Rajasthan. He submitted that, the applicant is a habitual offender.

8. I have considered these submissions. I am dealing with the allegations in respect of C.R. No.I-74/2017 registered at Ayesha Nagar Police Station, Malegaon. Therefore, I am restricting my observations and order to this particular offence. The charge-sheet does indicate that the first informant had supplied goods to the applicant which is sufficiently corroborated by his invoices. There are invoices of the transaction. At this stage, even Ld. Counsel for the applicant has not seriously disputed that transaction. However, his submissions and offer to deposit the amount in question are reasonable. Therefore, the applicant can be granted bail in connection with the present offence on certain conditions. The main condition is to deposit the amount

involved. It is needless to mention that, this order is restricted to C.R. No.I-74/2017 and will not come in the way of any other investigation or proceedings pending against the present applicant. Hence, the following order is passed.

ORDER

1. The applicant shall deposit the amount of Rs.1,04,680/- in the 3rd Court, Malegaon, District Nashik before whom the RCC No.545 of 2018 is pending.
2. On such deposit, as mentioned in the above clause (1), the Applicant is directed to be released on bail in connection with C.R.No. I-74/2017 registered at Ayesha Nagar Police Station, Malegaon, District Nashik, on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
3. The first informant is at liberty to withdraw the deposited amount on the terms and conditions which may be imposed by the Trial Court in that behalf.
4. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)