

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1987 OF 2019**

Rehan Ismail Memon	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Misbah Solkar I/b Mr. Solkar Mohd. Amin for the Applicant

Mr. S. S. Hulke, A.P.P for the Respondent-State

PSI Mr. Anil Shelke from Govandi Police Station, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 22nd 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. 290 of 2018 registered with the Govandi Police Station, Mumbai, for the alleged offences punishable under Sections 380, 404 of the Indian Penal Code.

3 Perused the papers. The complainant-Ronald Coutino had given a written complaint stating therein that his brother-Ralf Coutino

expired on 2nd June 2018 (natural death). However, after his death, when the complainant was going through the emails of his brother-Ralf, he realised that there was withdrawal of money from Kotak Mahindra Bank, Chembur Branch, on 12th August 2018 and also from State Bank of India, Deonar Branch by some unknown persons. As the said money was withdrawn after his brother's demise, the complainant lodged the aforesaid complaint as against the unknown persons.

4 During the course of investigation, the applicant was arrested on 30th December 2018 and a Debit Card belonging to the complainant's deceased brother was found on the applicant's person. Investigation shows that there is a CCTV footage showing the applicant withdrawing some amount from the ATM. The applicant is in custody since December 2018. The maximum sentence that can be imposed is 7 years, if the prosecution case as against the applicant is proved. The applicant has no antecedents. Investigation is complete and charge-sheet is filed.

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

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two local sureties in the like amount;
- (ii) 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;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number 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 file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6 The application is accordingly disposed of.

7 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.

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

REVATI MOHITE DERE, J.