

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2108 OF 2019**

Roshan @ Raj Yashwant SHirsekar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Manas N. Gawankar, for the Applicant.

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

Mr. H.M.Kale, PSI, from Chembur Police Station, is present

CORAM : REVATI MOHITE DERE, J.
DATE : 29th 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. 116 of 2015 registered with the Chembur Police Station, Mumbai, for the alleged offences punishable under Sections 120, 465, 468, 471 r/w 34 of the Indian Penal Code.

3 Perused the papers. According to the complainant—Sunilkumar E.K., Deputy Manager of State Bank of India, the applicant

had applied for a loan of Rs.17,00,000/- from the State Bank of India for purchase of two cars. It is alleged that the applicant submitted forged documents in connection with the said loan. It is alleged by the complainant that the applicant only paid one EMI and thereafter did not make any payment. On verification of the documents submitted by the applicant, it was found that the said documents were forged. Accordingly, the aforesaid complaint was lodged. It appears that from the said loan amount of Rs.17,00,000/-, the applicant purchased two Eco Sports cars. One Eco Sports car has been recovered from a third party.

4 Learned Counsel for the applicant has tendered an affidavit of the applicant stating that the applicant is ready and willing to deposit a sum of Rs.10,00,000/- in the registry of this Court. The said Affidavit is taken on record and marked 'X' for identification. The Applicant has undertaken to deposit Rs.5,00,000/- within one week from today. The Applicant has further undertaken to deposit Rs. 5,00,000/- within a period of 8 weeks from the date of his release on bail. The applicant has also undertaken not to leave the jurisdiction of Mumbai and Thane, without the permission of the Trial Court.

5 Admittedly, the applicant has no antecedents. The Applicant is in custody from December, 2018. Investigation is complete and charge-sheet is filed.

6 Considering the aforesaid, in particular, the Affidavit of the applicant, 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. 20,000/- with one or two 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.

(viii) The Applicant to deposit Rs.5,00,000/- in this Registry of this Court within one week from today and the balance amount of Rs.5,00,000/- to be deposited within 8 weeks from the date of his release from jail, also in the Registry of this Court.

(ix) If the applicant fails to deposit the amounts i.e. there is a breach of the undertaking, the prosecution is at liberty to seek cancellation of the applicants bail.

7 The application is accordingly disposed of. To be listed on 09/09/2019 for recording compliance of 1st deposit of Rs.5,00,000/-.

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

REVATI MOHITE DERE, J.