

shailaja

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY***

***CRIMINAL APPELLATE JURISDICTION***

***CRIMINAL BAIL APPLICATION NO.2161 OF 2019***

|                                  |   |            |
|----------------------------------|---|------------|
| Bhartendu Ramnath Thakur Kashyap | ] | Applicant  |
| Versus                           |   |            |
| State of Maharashtra             | ] | Respondent |

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Mr. Niranjan S. Mundargi i/b Mr. Shambhu M. Jha, for the Applicant.

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

Mr. Vijay R. Maladkar, P.SI, Dahisar Police Station.

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***CORAM : REVATI MOHITE DERE, J.***

***DATE : 4<sup>th</sup> 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.71 of 2019 registered with the Dahisar Police Station, Mumbai, for the alleged offences punishable under Sections 420, 465, 468, 473 r/w section 34 of the Indian Penal Code.

3. Perused the papers. According to the complainant-Pranjal Rokade, he wanted to take admission in a College at Mumbai and therefore, his friend Rajesh Yadav took him to Rohan Parab who assured him that he will get admission in Sanghavi College, Vile Parle (West), Mumbai. It is alleged that Rohan Parab told the complainant-Pranjal that he would have to pay Rs.11,60,000/- for the same. Accordingly, the complainant-Pranjal is alleged to have paid Rs.60,000/- to Rohan Parab through his friend Rajesh Yadav. According to the complainant-Pranjal, he along with his mother, maternal uncle and Rohan Parab went to the College for depositing Rs.11,00,000/- in the College, when Rohan Parab introduced him to co-accused Rakesh. Co-accused Rakesh is stated to have introduced the complainant to one Harilal who was sitting in the canteen. The complainant handed over his original documents to Harilal, who returned in 20 minutes and told the complainant that his admission was done and accordingly gave him a receipt of Rs.60,000/-. The complainant has stated that pursuant thereto, he handed over Rs.11,00,000/- to co-accused Rakesh on the instructions of Rohan. When the complainant went to the College on 26<sup>th</sup> June, 2018, he learnt that the receipt which was given to him was a bogus receipt, pursuant to which, he lodged the aforesaid complaint.

4. The applicant although not named in the F.I.R, was arrested subsequently during the course of investigation. According to the prosecution, the applicant got the receipt printed from a Cyber Shop, which was handed over by co-accused Harilal to the complainant. There is recovery of rubber stamp of the College at the instance of the applicant. According to the prosecution, the applicant is the master mind. All the other co-accused have been enlarged on bail.

5. Learned Counsel for the applicant has tendered an affidavit of the applicant. The same is taken on record. In the said affidavit, the applicant has undertaken to deposit Rs.5,50,000/- in this Court i.e Rs.2,50,000/- before his release and balance Rs.3,00,000/- within six weeks from the date of his release. He has also stated in the said affidavit that he would have no objection if his bail is cancelled on his failure to deposit the aforesaid amount.

6. The Applicant is in custody since April, 2019. Investigation is complete and charge-sheet is filed.

7. Having regard to the affidavit filed by the applicant, without going in to merits, the application is allowed and the applicant is enlarged

on bail, on the following terms & conditions :-

**O R D E R**

- (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 local sureties in the like amount;
- (iii) The Applicant shall report to the investigating officer of the concerned police station on the first Saturday of every month between 10.00 a. m. and 11.00 a.m. for a period of 24 months from the date of his release.
- (iv) The applicant shall deposit Rs.2,50,000/- in the Registry of this Court prior to his release and the balance Rs.3,00,000/- within six weeks after his release.
- (v) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case and shall not commit similar offence;

(vi) If there is breach in making deposit, it is open for the prosecution to file an appropriate application seeking cancellation of the applicant's bail.

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 their release;

(ix) The Trial Court to pass appropriate orders on the deposit made by the Applicant, at the end of the trial.

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

9. 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.

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

***[REVATI MOHITE DERE, J.]***