

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2549 OF 2018

Rakesh Bahadur Onkarnath Singh,
Age 50 years, Occ.Self, R/o.Room No.401,
Geetanjali Apartment, Datta Mandir Cross Road,
Dahanukar Wadi, Kandivali (W),
Mumbai-400 067.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Omkarnath R. Tiwari for applicant.

Mr.A.R.Kapadnis, APP, for State.

Mr.Mhamkar, PSI, Borivali Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th January 2019

PC :

1. This is an application for bail in CR No.314 of 2018 registered with Borivali Police Station for offence u/s 420 of Indian Penal Code.
2. The applicant had preferred application for bail in the Trial Court which was rejected. The applicant was arrested on 18th July 2018. On completing the investigation the charge sheet is filed.
3. The prosecution case is that the applicant has accepted sum of Rs.3,62,000/- from informant on the pretext of securing job in police department and thereby cheated him. It is submitted that the case is false. Although the first informant in his statement has stated that he has made payment to the applicant in the presence of two witnesses, he has not corroborated the said statement. The witness

Badelal Jaiswal has not corroborated the statement and the statement of Shaileshkumar Mishra is not referred to by the investigating officer. It is submitted that the statement of Badelal and Shaileshkumar Mishra are based on hearsay. The applicant is in custody from the date of arrest. Investigation is completed and charge sheet is already filed. The complainant has not produced cheque which was allegedly issued by the accused.

4. Learned APP submitted that involvement of the applicant is disclosed in the charge sheet. The applicant had accepted Rs.3,62,000/- from the informant on the pretext of securing job.

5. Considering the nature of evidence, the fact that the applicant is in custody from the date of arrest, investigation is completed and charge sheet is already filed, there are no criminal antecedents against applicant, bail can be granted to the applicant. Hence, I pass following order :

ORDER

- (i) Criminal Application No.2549 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released in connection with CR No.314 of 2018 registered with Borivali Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend Borivali Police Station once in a month on every first Saturday between 11 am and 1 pm;

(iv) The applicant shall not tamper with the evidence and shall attend Trial Court proceedings regularly, unless exempted for some reason by the Trial Court;

(v) The applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of six weeks.

(PRAKASH D. NAIK, J.)

MST