

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3437 OF 2018

Sushil Shravan Gupta ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

Ms.Mansha Khemka a/w. Ms.Bhagyashree Upadhyay i/b. Khemka and Associates for Applicant.

Mr.Amit Palkar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 15th April 2019.

P.C. :

1] This is an application under Section 439 of the Code of Criminal Procedure for bail in C.R. No. 42 of 2018 dated 12/06/2018 registered with Airport Police Station, Mumbai, for the offence punishable under Section 419, 417, 420, 465, 468, 471, 120(b) of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the chargesheet.

3] The prosecution case in brief is that, the applicant in connivance with other two accused persons represented the first informant that they will give him job in Go Air Aviation, as a 'Commercial Pilot' and induced him to part with cash amount of Rs.4,75,250/-. It is the further prosecution case that, the accused persons, thereafter, issued a bogus 'No Objection Certificate' dated 3rd January 2018 allegedly issued by Go Air Aviation. During the course of investigation, the applicant came to be arrested on 3rd July 2018.

During the course of investigation an amount of Rs.1,50,000/- has been recovered by the Investigating Agency and after completion of investigation, the police have submitted chargesheet.

4] A perusal of chargesheet *prima-facie* indicates that, the said letter dated 3rd January 2018 has been manufactured by the co-accused Sajiyo Sayman Thaliyat. It is alleged that, the applicant is the beneficiary of some part of the amount involved in the crime. As noted earlier, the said amount has already been recovered at the instance of the applicant. The investigation of the present crime has already been completed and the police have submitted chargesheet. No purpose will be served by further keeping the applicant in the incarceration. It is submitted that,

there are no antecedents against the discredit of the applicant.

5] In view thereof, the applicant can be released on bail.

Hence, the following order :-

- (i) The Applicant shall be released on bail in C.R. No. 42 of 2018 dated 12/06/2018 registered with Airport Police Station, Mumbai, on his furnishing P.R. bond of Rs.15,000/- with one or two local sureties in the like amount.
- (ii) After his release from Jail, the applicant shall attend all the dates before the trial Court, unless exempted by the concerned Court.
- (iii) In case of two consecutive defaults, the Prosecution is at liberty to file an application for cancellation of bail.
- (iv) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.
- (v) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]