

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 232 OF 2020

Shailesh Vasanji CholeraApplicant
(Orig.accused)

v/s.

The State of MaharashtraRespondent

ALONGWITH
INTERVENTION APPLICATION NO.01 OF 2020
IN
BAIL APPLICATION NO. 232 OF 2020

Varun R. Vasani

...Intervener
(Orig. Complainant)

IN THE MATTER BETWEEN :

Shailesh Vasanji CholeraApplicant
(Orig.accused)

v/s.

The State of MaharashtraRespondent

Mr. Rajendra Mokashi, Advocate for the applicant
in BA—232-2020.

Mrs. Alpa Javeri, for the Intervener in IA—01-2020.

Mrs. J.S. Lohakare, APP for the State.

PSI, Rajendra Shivade, Borivali Police Station
present.

CORAM : SANDEEP K. SHINDE, J.

Thursday, 20 February, 2020.

P.C. :

1. Heard learned Counsel for the applicant,
learned Counsel for the Intervenor and learned APP
for the State.

2. Applicant is seeking his enlargement on
bail in Crime No. 451/2019 registered with
Borivali Police Station for the offences
punishable under Sections 408, 420, 467, 468 and
471 of the Indian Penal Code.

3. The investigation is over. Charge has
been framed by the learned Magistrate.

4. It is prosecution's case that, applicant
who was working as money collector for M/s. R.R.
Thakkar and Company, allegedly misappropriated
and manipulated the accounts and caused loss to

the complainant, i.e. the employer. It is not in dispute that a sum of Rs.6,46,448/- were paid by the applicant to this employer which the Counsel for the applicant on instructions admits, leaving balance of Rs.13,77,125/-.

5. The learned Counsel for the applicant has tendered Demand Draft drawn on the Registrar, High Court, Appellate Side, Bombay for Rs.11,28,000/-. Copy of the Demand Draft is taken on record and marked X-1 for identification. Therefore, it is submitted by the Counsel for the applicant that since investigation is over, charge has been framed and additionally he has shown his bonafides either by paying the alleged amount misappropriated by him to the applicant and further by depositing the Demand Draft in the Court, he may be released on bail. The offences for which the applicant is facing trial, the prescribed punishment is neither death nor life. All the offences are triable by the Magistrate. Therefore, in the circumstances, in my view, his further detention in the custody is not required. Learned Counsel for the Intervenor, however

insists that the address of the applicant be verified, as according to her, he may not be available for trial. The apprehension can be taken care of. Hence, the following order :

6. The applicant arrested in C.R. No. 451/2019 registered with Borivali Police Station, he is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/-(Rs. Twenty Five Thousand only) with one or two sureties in the like sum.

7. The applicant shall attend the concerned Police Station as and when called.

8. The applicant shall furnish the particulars of his place of residence and contact details to the Investigating Officer of the Police Station concerned within seven days from today.

9. The applicant shall not tamper with the evidence or attempt to influence or contact the

complainant, witnesses or any person concerned with the case.

10. It is made clear that observations made hereinabove shall be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

11. With disposal of Bail Application, the Intervention Application does not survive. The same is accordingly disposed off.

(SANDEEP K. SHINDE, J.)