

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

CRIMINAL BAIL APPLICATION NO. 2406 OF 2019

Sachin Laxman Sathe

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Ms. Shashikala Rajak i/b. Vardhamane & Associates for Applicant.

Mr. Swapnil S. Pednekar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 25th NOVEMBER, 2020

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.148 of 2018 registered with Mankhurd Police Station, under sections 420, 465, 467, 468, 471 r/w. 34 of the Indian Penal Code.

2. The FIR is lodged on 09/06/2018 by one Vinayak Shinde. He has stated in the FIR that, MHADA had given possession of 77 rooms to M/s. Trimurti Enterprises vide letter dated 03/09/2004. The rooms were situated in building Nos.28,

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29, 31 and 33 in P.M.G.P colony at Mankhurd. The first informant's father decided to purchase one room through one Ram Krushna Jadhav in one of those buildings. The FIR mentions that the present applicant and his mother Akkatai Sathe were the owners of Trimurti Enterprises. The business was also looked after by the applicant's father Laxman Sathe. Informant's father decided to purchase room No.1103 in building No.33 for Rs.2 lakh, for which they had taken loan from Kulswami Credit Society, Vashi branch. The FIR mentions that, cheques were deposited in the bank account of M/s. Trimurti Enterprises. The FIR mentions that, in the year 2005 itself the possession of that room was given by M/s. Trimurti Enterprises to the first informant. Initially, the informant was residing in that room and thereafter that room was given on leave and licence basis to different persons. In the year 2014 the same room was given to one Shankar Ghadge, who is a co-accused in this case, on leave and licence basis. In the year 2015, the informant wanted to reside in that room and, therefore, co-accused Shankar Ghadge was told to vacate the room. At that time, co-accused Shankar Ghadge told the informant that he had

taken that room from one Shubhangi Sathe and not from the informant's family. He showed an agreement to that effect entered into with Shubhangi Sathe. The first informant realized that he was cheated. The room was fraudulently transferred to applicant's wife Shubhangi Sathe and therefore this FIR is lodged.

3. Heard Ms. Shashikala Rajak, learned counsel for the applicant and Shri. Pednekar, learned APP for the State.

4. The applicant was arrested on 20/12/2018 and since then he is in custody. The charge-sheet is also filed. Learned APP relies on the affidavit filed by the investigating officer in this case. After reproducing the allegations in the FIR, the affidavit goes on to mention that the investigating agency had recorded statement of Ram Krushna Jadhav who has stated that a joint current account was opened in Cosmos Bank in the name of Trimurti Enterprises as per the instructions of co-accused Laxman Sathe. During the investigation, correspondence was made with MHADA authority and documents were obtained. An Agreement to sale entered into between the present applicant and informant's father

was also seized. There was a receipt voucher dated 27/01/2005 showing Rs.2 lakhs having been received by co-accused Akkatai Sathe. Said receipt voucher was prepared by the present applicant under his signature.

5. Thus, at this stage, the allegations in the FIR are not unfounded. They are supported by documents. However, the applicant was arrested on 20/12/2018 and for about 2 years now he is in custody without trial. The investigation, so far as, he is concerned, is over. All the documents which were necessary, during the investigation were seized. The allegations do indicate that the majority of the transaction was brought about by the applicant's father Laxman. The applicant had played only a small part in the transaction. In this view of the matter, further custody of the applicant is not necessary. If he has committed the offence, as alleged, after trial he can be convicted and sentenced in accordance with law. The trial is likely to take long time to reach its conclusion. Therefore, I am inclined to grant bail to the present applicant, particularly considering limited role attributed to him in the charge-sheet.

6. Hence, the following order :

ORDER

- (i) In connection with C.R.No.148 of 2018 registered with Mankhurd Police Station, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Looking at the prevailing circumstances, it may not be possible for the applicant to furnish sureties immediately. Therefore, initially the applicant is permitted to furnish cash bail for the same amount. The applicant will have to furnish the sureties, as directed, within three months from today.
- (iii) The applicant shall attend all the dates in the court during trial, unless prevented by a reasonable cause.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)