

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

CRIMINAL BAIL APPLICATION NO. 2977 OF 2019

Prakash Ganpat Sankpal ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Nitin Nevshe a/w Mr. Patel, Advocate for the Applicant.

Mrs. P.P. Shinde, APP for Respondent No.1-State.

Mr. Chetan S. Damre a/w Viraj Ambure for Respondent No.2.

Mr. D.N. Dhole, A.P.I., MFC Police Station, Thane City.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 10th FEBRUARY, 2020.

P.C.

1. It is an application under Section 439 of Code of Criminal Procedure, 1973 ("Cr.P.C." for short).

2. Applicant is seeking enlargement on bail in Crime No. I - 521 of 2018 registered with Mahatmaphule Police Station for the alleged offences punishable

under Sections 420, 406 read with 34 of the Indian Penal Code, 1860 ("IPC" for short).

3. Heard. Learned counsel for applicant, APP for the State and learned counsel for the complainant.

4. Perused the final report. It is prosecution's case that applicant had promised to secure flat from the states reserved quota. Against the promise and assurance, complainant and another person had paid around Rs. 13,91,000/- to the applicant. However neither amount was returned nor the flat was allotted. In this circumstance, this Court had suggested the applicant to deposit the amount to show his bonafide. It appears, the applicant had agreed to deposit the amount within a stipulated period, but since not deposited, interim pre-arrest protection was withdrawn. Resultantly, applicant was taken into the custody. Subsequently, the applicant sought his release on the bail before the learned Sessions Court, however the same was not entertained. As such he is

before this Court under Section 439 of Cr.P.C.

5. The investigation in the case is over and final report has been filed.

6. Now, the applicant has deposited Rs. 13,91,000/- in the registry of this Court. Additionally, applicant is also willing to deposit Rs. 2,20,000/- in the registry of this Court within 3 weeks from today, which he had allegedly collected/received from one more person, to whom he had promised allotment of a flat from State quota. Statement of applicant is accepted.

7. Learned counsel for the complainant has argued that applicant's associate/friend, had falsely implicated the complainant in the false case for the offences punishable under the Atrocity Act. Record shows the complainant was granted the anticipatory bail by the learned Sessions Court and the same has been confirmed by this Court in appeal preferred by

Swati Suresh Kadam.

8. Be that as it may, the applicant is in the custody since October, 2018 and the trial may not commence in the near future, but since his presence for the trial can be secured by imposing conditions, and also in view of the fact that the applicant has deposited 13,91,000/- in the Registry of this Court, the application is allowed and the applicant is directed to be released on bail on the following conditions.

ORDER

(i) The applicant is directed to be released on bail on executing P.R. Bond for the sum of Rs.25,000/- with one or more sureties in the like amount;

(ii) The applicant shall furnish the particulars of his residential address as well as permanent address and contact details to the investigating officer within seven days from the date of his

release on bail;

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

9. The application is allowed in the aforesaid terms and disposed off.

10. List the application for compliance on 9th March, 2020

(SANDEEP. K. SHINDE, J.)_