

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

CRIMINAL BAIL APPLICATION NO. 3271 OF 2019

Sanjay Subhash Rajane
Aged 42 Years,
Indian Inhabitant,
R/at. Sai Enclave, F/5/301, Sukapur,
New Panvel, Dist. Raigad.
Maharashtra
(Presently lodged in Taloja jail)

... Applicant

Versus

The State of Maharashtra

... Respondent

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Mr. Laxman S. Deshmukh a/w Mr. Sachin B. Thorat, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

Mr. Sharad R. Nimle, P.S.I. M.I.D.C. Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 16th DECEMBER, 2020.

PER COURT:

1. The applicant is seeking bail in C.R. No.63 of 2019 registered with MIDC Police Station, Andheri (East), Mumbai for offences punishable under Sections 420, 465, 467, 468 & 471 of Indian Penal Code (for short “IPC”) The applicant was arrested on 9th May, 2019.

2. The prosecution case is that, the complainant was introduced to co-accused Sanjay Shirke. It was represented that

Sanjay Shirke would make arrangement for allotment of MHADA Flat. The complainant parted amount towards allotment of MHADA flat to accused No.1 from time to time. He handed over the amount to the tune of Rs.9,50,000/- Similarly, other victims were also induced to part with amount on the assurance that the flat will be allotted to them. Separate offences vide C.R. No.163 of 2019 and 234 of 2019 were registered with Pant Nagar Police Station. The applicant is also impleaded as accused in those complaints.

3. Learned advocate for the applicant submitted that the applicant is not involved in making any false representations to the victims. He has not collected any amount from the complainant or any other victim. The only role attributed to him is about alleged fabrication of documents. However, there is no incriminating material to substantiate the said allegation. No such document was recovered at the instance of the applicant. He is granted bail in connection with C.R. No. 163 of 2019. The applicant is also on temporary bail in connection with C.R. No. 234 of 2019.

4. Learned APP submitted that the applicant has played active role in the crime. He was involved in fabrication of documents. During investigation it was revealed that, he had utilized the amount of Rs.16,00,000/- for clearing his vehicle loan with Tata Motors

Finance Ltd. The applicant is also involved in C.R. No. 163 of 2019 and C.R. No.234 of 2019.

5. From the documents it appears that, primarily the applicant has been attributed role of fabricating documents in the nature of allotment letters etc. Statement of Ajay Sangale dated 25th May, 2019 refers to the fact that, in 2015-16 the applicant had visited his Cyber cafe. However, since the Cyber cafe was closed the record is not available. The computers installed therein were sold to Scrap dealers. Co-accused Mohammad Salim Kallu Khan to whom the amount was parted by accused No.1 was granted bail by the learned Magistrate vide order dated 19th August, 2019. The investigating officer has addressed letter dated 4th July, 2019 to Tata Motors Finance Ltd. calling upon them to furnish documents relating to loan transaction of the applicant with regards to purchase of vehicles. The said letter was written in pursuant to alleged disclosure made by the applicant during his interrogation. The loan transaction appears to have been executed in on 2008-09. It is not the case of prosecution that the amount collected by accused No.1 was handed over to the applicant. The documents relating to loan transactions of the applicant with Tata Motors Finance Ltd. are not on record. The applicant has been granted bail in the other cases which arises out of

similar transaction. The applicant is in custody for One and half year. Hence, bail can be granted to the applicant on certain conditions.

ORDER

- (i) Bail Application No.3271 of 2019 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No.63 of 2019 registered with MIDC Police Station, Andheri (East), Mumbai on executing PR. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- (iv) Application stands disposed of accordingly.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)