

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3429 OF 2019

Nilesh Ramesh Sawant

....Applicant

v/s.

The State of Maharashtra

....Respondent

Mr. Amin Solkar, Advocate for the applicant.

Mr. Y.M. Nakhawa, APP for the State.

API, Mr. Manoj Darade, Kalyan Taluka Police
Station present.***CORAM : SANDEEP K. SHINDE, J.******Tuesday, 11 February, 2020.*****P.C. :**

1. Heard.

2. Applicant is seeking his enlargement on bail in C.R. No. I-346/2016 registered with Kalyan Taluka Police Station for the offences punishable under Sections 420, 465, 468, 471 read with Section 34 of the Indian Penal Code.

3. Mr. Solkar, learned Counsel for the applicant submits that, the applicant was arrested upon executing the transfer warrant on 23rd August, 2017.

4. It appears, when the applicant had approached this Court for bail, since the remedy was available under Section 437(6) Criminal Procedure Code, he was granted liberty to file a fresh application before the trial Court. Record shows, charge was framed against this applicant on 30th January, 2018 since the co-accused were absconding. The applicant thus, had filed an application for bail, however, it was not granted. In these circumstances, he has filed the present application under Section 439 Criminal Procedure Code. It is prosecution's case that, the applicant was an Estate Agent who allegedly indulged in forging the valuable security i.e. title documents, and secured loans with the help of the co-accused from different finance companies and thereafter encashed the loan cheques in bogus bank account opened in the name of the complainant-developer. It appears, co-

accused Nadar had opened a Bank Account in the name of M/s. Nidhi Developers (complainant-developers) and encashed the loans sanctioned by the finance companies. It is alleged, that this applicant in connivance with the co-accused forged agreement to sale, allotment letters in respect of three flats being Flat no.403 in Building J-Gajraj, Flat no.703 in Building-I-Ganeshwar and Flat No. 403 in Building- Ganeshai and appropriated loan amount to themselves.

5. Mr. Solkar, has brought to my notice order dated 6th November, 2019 passed by this Court in Bail Application No. 614/2019 preferred by co-accused, Jokuram Vishwakarma. The order says that, Jokuram Vishwakarma has agreed to pay Rs.25,00,000/- to M/s. Manipuram Finance Companies Limited in installments, however not yet paid. This is one of the finance companies from whom the loan was got sanctioned by the applicant and the co-accused by forging the title documents i.e. agreement to sale and allotment letters. Learned APP on instructions, submits that, there are nine offences of similar nature

registered against the applicant and therefore possibility of tampering evidence cannot be ruled out. As against this, Mr. Solkar submits that, the applicant has been released in all these nine crimes.

6. I have perused the final report. The charge in this case has been framed by the learned Magistrate and the next date scheduled is 24th February, 2020. After perusing the final report and particularly the statement of Assistant Manager of M/s. Asphire Housing Finance Company and in view of the antecedents, the Bail Application is rejected. However, the learned Magistrate is requested to conclude the trial as expeditiously as possible and preferably before 31st December, 2021. The Bail Application is accordingly disposed off.

(SANDEEP K. SHINDE, J.)