

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

**BAIL APPLICATION NO. 56 OF 2021
WITH
INTERIM APPLICATION NO.647 OF 2021**

Dhwanish S/o. Arvindbhai Shah ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Ashok M. Saraogi, Advocate for the Applicant in B.A.

Mr. Sanjay P. Shinde, Advocate for the applicant in Interim Application.

Ms. Veera Shinde, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 18th MARCH, 2021

PER COURT:

1. This is an application for bail in C.R. No.147 of 2019 registered with Byculla Police Station, Mumbai which was subsequently investigated by Economic Offence Wing, vide C.R. No. 39 of 2019. Undisputedly, this applicant was not involved in the fraudulent transactions which is subject matter of the FIR, wherein co-accused had allegedly siphoned of the huge amount. The role that was ascribed to the applicant is that he is receiver of the stolen property. Rs. 22 Lakhs were allegedly parted to the applicant. From

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the report filed by the Police it is apparent that the liability that was ascribed to the applicant is Rs.22 Lakhs. In pursuant to order dated 16th March, 2021 the applicant has deposited the amount of Rs. 22 Lakhs in the registry of this Court.

2. Learned APP however submits that in the event during further investigation it is found that the liability of the applicant is more than Rs. 22 Lakhs. The applicant shall give undertaking that he would deposit such amount.

3. Learned counsel for the applicant on instructions submits that, while executing bail bond, he would furnish such undertaking before the appropriate Court. The statement is made in the presence of the relative of applicant.

4. The applicant is permitted to execute such undertaking and produced it while executing bail bond before the trial Court.

ORDER

(i) Criminal Bail Application No.56 of 2021 is allowed;

(ii) The applicant is directed to be released on bail in connection with C.R. No.39 of 2019 investigated by EOW on executing PR. Bond in the sum of Rs.50,000/- 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) The applicant is permitted to furnish cash bail security in the sum of Rs.50,000/- for a period of eight weeks in lieu of surety.

(v) Application stands disposed of accordingly. Interim application is disposed of.

(PRAKASH D. NAIK, J.)