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



**BAIL APPLICATION NO.879 OF 2021**

Mr. Priyadarshi Shantilal Gambhir .... Applicant

Vs.

The State of Maharashtra .... Respondent

Mr. Siddhesh R. Samel for Applicant.
Ms. A.A. Takalkar, APP for State.
API Archana Kudale, IO, DCB, CID Unit 6, Chembur.

**Coram : NITIN W. SAMBRE, J.**
**Date : 12TH OCTOBER, 2021**

P.C.:

1. After arrest on 25th October, 2020 in Crime No. 61 of 2020, registered with DCB CID Unit 6, Chembur, Mumbai, the applicant came to be charge-sheeted.

2. The prosecution story against the applicant is while acting in-connivance with other co-accused in fictitious names, opened the bank accounts, promoted the general public to deposit the amounts towards premium of insurance and misappropriated the same.

3. The submissions of the learned counsel appearing for the applicant are, maximum punishment provided is ten years. The applicant is behind bar for almost one year. The investigation in the matter is already over. The other similarly placed accused Ajay Kashyap is already ordered to be released on bail. That being so, the applicant is entitled to be released on bail.

4. Learned APP opposed the prayer.

5. Considered submissions.

6. The prosecution story, which can be inferred based on the available record is, the applicant in five different (fictitious) names, opened five bank accounts. He promised the customers insurance cover with hefty returns. After accepting amount of premium in lakhs, diverted the same to his personal account for drawing undue benefits.

7. There is enough material on record collected during investigation, wherein it can be inferred that the applicant is prima facie involved in the offence of duping the customers by diverting their funds

to his personal illegal benefit. Bank accounts were opened and operated in fictitious names, in which the amount of premium was deposited/received. The forgery and cheating practiced by the applicant could be prima facie inferred from the documentary evidence brought on record.

8. Apart from the present crime, there are other two similar offences registered against the applicant.

9. As far as the case of the co-accused, who is ordered to be released on bail is concerned, the case of applicant cannot be treated at par with the said accused namely Ajay.

10. The allegation against the said accused are, he has illegally procured identity cards for opening bank accounts, whereas against the present applicant, he has opened bank accounts in fictitious names, illegally withdrawn the amounts, for his personal benefit, thereby cheating common people.

11. In the aforesaid background, no case for grant of bail is made out. The application stands rejected.

**( NITIN W. SAMBRE, J. )**