

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

BAIL APPLICATION NO. 849 OF 2020

Bhupendra Ramdas Vaidya ... Applicant
Versus
The State of Maharashtra ... Respondent

.....

Mr. Santosh Shankar Musale, Advocate for the Applicant.
Mr. A. R. Kapadnis, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.
DATE : 5th MAY, 2021

PER COURT:

1. This is an application for bail. The applicant is arrested on 6th August, 2019 in connection with C.R. No. 2966 of 2018, registered with CSMT Police Station for the offences punishable under Sections 166-A, 409, 406, 420, 415, 466, 467, 464, 465, 417, 471 and 167 of Indian Penal Code (for short “IPC”).

2. The case of the prosecution is that the applicant was employed as Ticket Checker. He collected the amount of more than Rs.30 Lakhs and did not deposit the same in the treasury of the Railway.

3. Learned counsel for the applicant had submitted that the amount of Rs.5,03,194/- was deposited by the applicant in the department of railway. He is not in position to deposit entire amount.

He is jail for a period of about 21 months. The trial has not started.

4. Learned APP submitted that the applicant has misappropriated Rs.33,77,000/- loss is caused to Railway.

5. The affidavit-cum-undertaking affirmed by the applicant in the jail, is tendered on record. The applicant has stated that amount of Rs.5 Lakhs would be deposited, within one month from the date of his release on bail.

6. Considering the fact that the applicant is in custody from 6th August, 2019 and on the basis of undertaking referred to herein-above, bail can be granted.

7. Hence, I pass the following order:

ORDER

- (i) Criminal Bail Application No. 849 of 2020, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 2966 of 2018, registered with CSMT Police Station on executing P.R. 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 three months 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 provisional cash bail security in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.
- (v) The applicant shall abide by undertaking. In the event of breach of undertaking, the prosecution will be at liberty to prefer application for cancellation of bail.
- (vi) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)