

Shambhavi
N. Shivgan

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

BAIL APPLICATION NO.187 OF 2021

Mayurkumar P. Visavadia ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Ms. Sonal Parab and P.K.Sanghrajka i/by Rajeev Sawant
& Associates for the Applicant.

Mrs. Sharmila Kaushik, APP for the Respondent-State.

PSI B.V.Gaonkar attached to Amboli P.Stn. Present.

CORAM : SANDEEP K. SHINDE J.
DATE : 19th JANUARY, 2021.

P.C. :

Heard.

2 Applicant is seeking his enlargement on bail
in connection with Crime No.234 of 2019 dated 23rd
June, 2019 registered with Amboli Police Station for the
offences punishable under Sections 406, 408, 420, 465,
467, 468 and 477(A) of the Indian Penal Code, 1860.

3 Complainant is director of M/s. Rajasthan Aushadhalaya. This company is engaged in the business of distributing Ayurvedic medicines across the country.

4 Mr. Hemant Vitlani was appointed as Co-ordination Officer for the state of Gujarat. Applicant and other two co-accused were appointed to assist him. It is alleged that though the doctors and other agencies placed orders for medicines and paid for its value, they were not supplied medicine. On enquiries, it was found that Hemant Vitlani had misappropriated the money given by the doctors and other agencies and not credited in books of accounts of the company.

5 Role attributed to the applicant, as it appears from the investigation is that he allegedly accepted Rs.57,000/- from Mr. Prince Patel, who was interested in distributorship of M/s. Rajasthan Aushadhalaya Private Limited.

2021.odt

6 Barring this stray allegation, material on record does not suggest his complicity in the alleged crime.

7 Be that as it may, two co-accused in the subject crime were released by this Court vide order dated 25th November, 2020. I have perused it.

8 Applicant is in custody since 23rd June, 2019. Investigation in the case is over. Therefore, his custody is not necessary. The entire evidence is based on bank statements and other documents. Besides, there are no criminal antecedents against him.

9 Learned Additional Public Prosecutor would submit that applicant is residing in the state of Gujarat and, therefore, to secure his presence for the trial, he may be directed to furnish local sureties.

10 In consideration of the facts of the case, application is allowed and hence, following order:

ORDER

2021.odt

(i) In connection with C.R.No.234 of 2019 registered with Amboli Police Station, applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or two local sureties in the like amount.

(ii) The applicant shall attend the Court on every date during the trial, unless prevented by reasonable cause.

(iii) The applicant shall deposit his passport, if any, before being released on bail and if he does not have passport, he shall inform this fact to the Investigating Officer in writing.

(iv) The applicant shall furnish his permanent residential and native address and contact number to the Investigating Officer within seven days from the date of his release on bail.

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case

11 The application is accordingly allowed and disposed of.

12 It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)