

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

CRIMINAL APPLICATION NO.248 OF 2016

Sandesh Dhanaji Pawar and Ors. .. Applicants

Versus

State of Maharashtra and Ors. .. Respondents

.....
Ms.Divya V. Parab, Advocate for the Applicants.

Mr.R.M. Pethe, APP for the Respondent - State.
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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 11, 2021.

P.C. :

This is an application for cancellation of bail under Section 439(2) of Cr.P.C. Learned J.M.F.C. Vashi was pleased to grant bail to respondent nos.2 and 3 vide order dated 3rd December, 2015.

2 Respondent Nos.2 and 3 were arrested in connection with C.R.No.513 of 2015, registered with Vashi Police Station, Navi Mumbai, for the offences punishable under Sections 420,465, 467,468, 471 and 472 read with 34 of Indian Penal Code ("IPC", for short). First Information Report ("FIR", for short) was registered on 1st November, 2015. It was alleged that the accused

had obtained money from the complainant and others under the false promises of providing the premises. Pursuant to registration of the FIR, respondents accused were arrested on 25th November, 2015 and 2nd December, 2015. They were produced before the concerned Court for remand. Initially they were remanded to police custody and subsequently to jail custody.

3 Learned advocate for the applicants submitted that the respondent no.2 was not attending the trial Court. Hence, warrant was issued against him, which was followed by proclamation. However, subsequently, the warrant was executed and he was produced before the concerned Court, and, he has been released. It is further submitted that compromise was executed between parties and the cheque issued in that regard was dishonoured. The respondents accused has not provided the residential proof. Hence, they were not present before the trial Court.

4 Learned APP submitted that the investigation was conducted and the charge-sheet was filed. The proclamation issued against respondent no.2 has been set aside, as he appeared before the trial Court.

5 Bail was granted to respondent nos.2 and 3 by order dated 3rd December, 2015. About five and half years are lapsed after grant of bail. Charge-sheet has been filed on completing investigation. Learned Magistrate had assigned reasons for granting bail. I do not find any reason to interfere with the order granting bail passed by the learned J.M.F.D.C. Vashi.

:: ORDER ::

- (i) Criminal Application No.248 of 2016, is rejected, and, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)