

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

BAIL APPLICATION NO.1665 OF 2021

1] Raj Kishorilal Chadha

2] Gurmail Singh Uday

.... Applicants

Vs.

The State of Maharashtra

.... Respondent

Mr. Niranjana Mundargi a/w Mr. Keral Mehta i/b Mahalakshmi Ganapathy
for the Applicant.

Mr. Deepak Thakre, PP a/w Mrs. P.P. Shinde, APP for the State.

PI Vanita Dhumal, EOW, Pune, present.

Coram : NITIN W. SAMBRE, J.

Date : 28TH MAY, 2021

(VACATION COURT)

P.C.:

1] Applicants are seeking regular bail in C.R. No.364 of 2021 registered with Chakan Police Station, Pimpri Chinchwad for the offence punishable under Sections 406, 409, 420 read with Section 34 of the IPC.

2] Applicants were arrested on 23/3/2021. The allegations are that the Applicants have cheated the complainant with an amount of Rs 18,50,00,000/-.

3] I have perused the allegation in the complaint and the other material placed on record. Deputy Commissioner of Police Mr. Sudhir Kallaya Hiremath has filed an affidavit explaining the investigation carried out till date. The case of the prosecution/complainant is purely based on the alleged cash amount of Rs 3,50,00,000/- given to the accused persons in the matter of carrying out business activities. Apart from the fact that said receipt is denied by the Applicants, entire record depicts that the nature of transaction alleged in the complaint is a civil and contractual dispute for which appropriate remedy is available to the complainant before the competent Court.

4] The Applicants were already subjected to custodial interrogation and investigation in the matter is sufficiently progressed. The affidavit of Deputy Commissioner of Police who is supervising the investigation

speaks about the same. The learned Public Prosecutor Mr. Thakre submits that further custodial interrogation of the Applicant is not warranted as relevant material/documentary evidence is already seized.

5] The fact that source of the cash of Rs 3,50,00,000/- as rightly so claimed by the learned Counsel for the Applicant is not at all established during investigation. Apart from above, the firm to which the said amount is claimed to have been handed over holds financial interest in the market and that being so, it cannot be said that the Applicants are likely to abscond during trial. The exaggerated claim in the complaint has no legal basis for want of documentary evidence about payments made.

6] In that view of the matter Application is allowed.

7] Applicants are directed to release on bail in C.R. No.364 of 2021 registered with Chakan Police Station, Pimpri Chinchwad on executing P.R. Bond of Rs 1 lakh with one or more sureties in the like amount.

Applicants shall not influence the witnesses or tamper with the evidence. If so noticed, it is open for the prosecution to move for cancellation of the bail of the Applicant. The applicant is permitted to furnish provisional cash bail security in the sum of Rs 1 lakhs for a period of eight weeks in lieu of surety.

(NITIN W. SAMBRE, J.)