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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2626 OF 2021

Arvind Gulabrao Bhaiswar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Rahul Arote for the Applicant.

Mr. A.A.Palkar, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 12th OCTOBER, 2021

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-201 of 2019 registered with the Kamothe Police Station, Raigad, for the alleged offences punishable under Sections 406, 420 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that 3-4 accused persons in the said case have already been released either on regular bail or have been granted pre-arrest bail. He submits that the applicant is in

custody since 15th October, 2020 and that the applicant is critical and is vomiting blood and has swelling on his liver and has continuously, been under medication. He submits that the applicant has no antecedents.

4. Learned APP opposes the application.

5. Perused the papers. According to the complainant – Mamatakumar Saha, in the year 2014, the applicant was residing in a flat, adjoining the complainant's flat and as such, was acquainted with the applicant and his family. It is alleged by the complainant that the applicant had told her that he was working as a Government Contractor and was doing construction work, at Nagpur. It is further alleged that in January, 2015, the applicant sought financial help for Rs.4,00,000/- for his construction business from the complainant and assured to return the same within six months. Accordingly, the complainant handed over Rs.4,00,000/- partly by remitting the said amount and partly in cash. It is further alleged that applicant and co-accused - Pravin also sought financial help from her for the construction business and requested that she mortgage her gold ornaments and arrange for the amount. According to the complainant, she handed over her gold ornaments weighing 19 tolas to the applicant's parents, in the presence of the applicant and his brother, for

pledging the same and arranging the amount required by them. As the money was not repaid, the aforesaid FIR was lodged. It appears that about Rs.45,000/- is recovered from the Jeweller, to whom the jewellery was sold. A perusal of the FIR also shows that the complainant had remitted the funds to the Bank Account of the applicant's mother, so as to enable the applicant to utilize the same.

4. The applicant is in custody since October, 2020. All the other co-accused have either been released on bail or have been granted anticipatory bail. Investigation is complete and chargesheet is filed. The applicant has no antecedents.

5. Considering the aforesaid, further detention of the applicant is not warranted. Accordingly, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

(i) The applicant be released on cash bail in the sum of Rs. 20,000/-, for a period of eight weeks;

(ii) The applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;

(iii) The applicant shall inform his latest place of residence and mobile contact number, if any, soon after being released on bail and/or if there is any change of residence or mobile details, time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(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;

6. The application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.