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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3000 OF 2021**

Mr. Jeevan Nemichand Betala Applicant.
V/s.
The State of Maharashtra Respondent.

Mr. Rajiv Chavan, Senior Advocate i/b Mr. Rajeev Sawant & Associates
for the Applicant.

Mrs. J.S. Lohokare, APP for the Respondent/State.

PSI Mr. Jagannath B. Ganage, Azad Maidan Police Station, present.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 21, 2021

P.C.:-

1] After having arrested on 16/3/2021 and chargesheeted in Crime No. 70 of 2020 registered with Azad Maidan Police Station for the offences punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, Applicant has moved this Court for regular bail.

2] Prosecution case against the Applicant is, Applicant, a co-accused in the aforesaid crime, with a common intention forged order of this court which is claimed to have been passed in writ petition, thereby stalling recovery proceedings initiated by Financer Tata Capital Finance Services Ltd., so as to stall the possession proceedings under SARFAESI Act.

3] Submissions of Mr. Chavan, learned Senior Counsel appearing for the Applicant are, only piece of evidence which is available against the Applicant is statement of one Tukaram who has vaguely stated about existence of a lady and person while getting the forged order of this court typed. Fact remains that till this date identification parade is not carried out.

4] However, learned APP Mrs. Takalkar on instructions informs that identification parade shall be held within a period of one week from today.

5] If we appreciate the case of the Applicant, same appears to be better placed than the co-accused Ashutosh Ranade, a lawyer who is already ordered to be released on bail by this Court on 9th October, 2020. Role attributed against the Applicant is that of helping his sister, a co-accused in getting typed the forged court order.

6] It is worth mentioning here that there are other two main co-accused in the present crime; one is Applicant's sister's husband and other his nephew. Apart from above, fact remains that after custodial interrogation, nothing incriminating could be recovered from the Applicant. Though learned APP has relied on statement of co-accused Yogesh from whom forged copy of the order in the writ petition was got typed, he has neither named nor identified the Applicant but has specifically named co-accused Ashutosh Ranade, a lawyer who is already ordered to be released on bail. As such, case of the Applicant is

better placed than co-accused Ashutosh. As such, Applicant is entitled to be released on bail.

7] Applicant is directed to be released on bail in C.R. No.70 of 2020 registered with Azad Maidan Police Station for the offences punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code on execution of P.R. Bond in the sum of Rs 25,000/- with one or more sureties in the like amount. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence. Applicant shall attend the trial regularly. Any two consecutive absence of the Applicant before the Trial Court would result into Trial Court taking out suo motu proceedings for cancellation of the bail of the Applicant.

(NITIN W. SAMBRE, J.)