

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1652 OF 2020**

Ravindra Anant Mahale

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

Mr. Aniket U. Nikam, Aashish Satpute with Piyush Toshnival
i/b Vivek Arote, Advocate for Applicant.

Mr. S. S. Pednekar, A.P.P. for the State-Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th MARCH, 2021

PC.

1. This is an application for bail. The applicant is arrested in connection with C.R. No. 34 of 2019 registered with Dindoshi Police Station, Mumbai for the offence punishable under Sections 420, 465, 467, 471, 406 read with Section 34 of Indian Penal Code (for short "IPC").

2. The case of the prosecution is that since September 2016 one Swapnil Chavan @ Kamlakar Nivetkar has suppressed his identity and hatched conspiracy with the applicant and gained the confidence of the complainant and his family members by

stating that D.B. Realty company had given some flats to I.A.S. and B.M.C. Officers which were situated at D.B. Woods. The complainant was informed that the officers want to sell those flats at lower price. The accused prepared false stamp and letter head of D.B. Realty and false sale deed for three flats and cheated complainant for the amount of Rs. 4,35,00,000/-. The First Information Report (for short "FIR") was registered on 18.01.2019. The applicant was arrested on 22.01.2019.

3. The applicant preferred an application for bail before the Session Court at Dindoshi. The said application was rejected by order dated 28.07.2020.

4. Learned advocate for applicant submitted that there is delay in lodging the FIR. The applicant is in custody for more than two years. Co-accused is absconding. Offences are triable by Magistrate. Charge-sheet is filed. Rs.42 were Lakhs transferred to Pratik Panchal, which is evident from the statement of Pratik Panchal recorded on 11.02.2021. The said amount was taken by the co-accused. Rs. 23,40,000/- were

withdrawn in cash from the account of the applicant by Mukesh Mehta. His statement indicate that on instructions of the applicant the amount was withdrawn. His statement was recorded on 16.03.2019, which is two months after arrest of the applicant and two years after he withdrew the said amount. The statement of account which is part of paper book indicates that Rs.11 Lakhs were paid to Sunil Nikaje. His statement has not been recorded. Rs.16 Lakhs cash withdrawal is in the name of Hemant Kamble. His statement is not recorded. The balance amount in the account of the applicant at the time of arrest was Rs.2000 on 20.01.2019.

5. Learned APP submitted that the applicant and the co-accused have cheated the complainant. Documents were fabricated and huge amount was misappropriated. Amount was credited into the account of the applicant. Co-accused is absconding.

6. The FIR was registered on 18.01.2019. From the statement, it appears that some of the amount from the

account of the applicant was transferred to account of another person or withdrawn as stated above. Co-accused is absconding. However, the applicant is in custody for more than two years. The offences are triable by the Magistrate. Further detention of the applicant is not necessary. Hence, bail can be granted to the applicant.

ORDER

- (i) Bail Application is allowed and disposed of;
 - (ii) The applicant is directed to be released on bail in connection with CR No.34 of 2019 registered with Dindoshi Police Station, Mumbai, on his executing PR bond in the sum of Rs.50,000/- with one or more sureties in the like amount;
 - (iii) The applicant shall report Dindoshi Police Station once in a month on every first Saturday between 11 am and 1 pm for first six months, and thereafter once in three months on every first Saturday between 11 am and 1 pm till further orders;
 - (iv) The applicant shall not tamper with the evidence;
 - (v) The applicant shall attend Trial Court on the date of hearing of the case regularly unless exempted by the Trial Court.
- (2) This order will be digitally signed by the private Secretary of this Court. All concerned will act on production

by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)