

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

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BAIL APPLICATION NO.1758 OF 2019

Rakesh Rajaram Salunkhe

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Saurabh Butala with Ms Saniya Shinde and Saiprasad Wadkar for the Applicant.

Mr. N.B. Patil, APP for Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 2nd DECEMBER, 2021.

P.C.:-

By this application the Applicant has sought enlargement on bail in C.R. No.I-418 of 2018 registered with the Kalwa police station, Thane for offences punishable under Sections 420, 465, 467, 468, 471, 475, 476, 484 and 485 r/w 34 of the IPC.

2. Crime against the Applicant was registered pursuant to the FIR lodged by Anant K. Ghadge. The first informant has alleged that the Applicant and the other co-accused assured the him and several others that they would secure job for them in Railway Department. On the basis of these assurance the first informant and other candidates were induced to pay Rs.1,00,000- each to the Applicant. The Applicant is

alleged to have collected an amount of Rs.1,52,00,000/- from various candidates. It is alleged that the Applicant prepared forged and fabricated hall tickets and with aid of other co-accused conducted sham railway examinations.

3. The Applicant was arrested on 16/11/2018. After completion of the investigation charge sheet has been filed and case has been registered as C.C. No.150 of 2019. It is stated that charge is not yet framed. The Applicant has filed an affidavit stating that he is ready to deposit before the court an amount of Rs.1,52,00,000/-. The Applicant has undertaken to deposit an amount of Rs.50,00,000/- within one week i.e. on or before 09/12/2021 and the balance amount of Rs.1,02,00,000/- within a period of six months.

4. Learned counsel for the Applicant, under instructions from the Applicant states that the balance amount of Rs.1,02,00,000/-, which the Applicant has undertaken to deposit on or before 02/06/2022 will be deposited in three installments. He states that the first installment of Rs.25,00,000/- will be deposited on or before 10/02/2022, second installment of Rs.25,00,000/- on or before 10/04/2022 and the last installment of Rs.52,00,000/- on or before 02/06/2022. The statement is accepted.

5. I have perused the records. The records prima facie indicate involvement of the Applicant in the said crime. It is however to be noted that the investigation is completed and charge sheet has been filed. The Applicant is in custody since 2018 and the charge is not yet framed. Hence, the trial is not likely to be concluded in immediate future. Considering the above facts and circumstances in my considered view the Applicant is entitled for bail.

6. Hence, the application is allowed on following terms and conditions:-

- (i) The Applicant who is facing trial in C.C. No.150 of 2019 before District and Sessions Court, Thane, is ordered to be released on bail on furnishing PR bond in the sum of Rs.50,000/- with one or two solvent sureties to the like amount.
- (ii) The Applicant shall deposit before the Trial Court an amount of Rs.50,00,000/- on or before 09/12/2021, Rs.25,00,000/- on or before 10/02/2022, Rs.25,00,000/- on or before 10/04/2022 and balance amount of Rs.52,00,000/- on or before 02/06/2022.

- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- (v) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

7. The Bail Application stands disposed of in above terms.

8. It is made clear that failure to deposit the amount on the dates specified above and violation of terms and conditions of the bail order will result in cancellation of bail without further reference to the Court. The Trial Court shall invest the amount deposited by the Applicant in fixed deposit till disposal of the case.

(SMT. ANUJA PRABHUDESSAI, J.)