

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

ANTICIPATORY BAIL APPLICATION NO.1561 OF 2019

Kalpesh Shamji Shah	...Applicant
Versus	
The State of Maharashtra	...Respondent

....
Mr. Maitreya G. Shukla for the Applicant.
Mr. P.H. Gaikwad, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 3rd AUGUST, 2021.

P.C.:-

By this application filed under Section 438 of the Code of Criminal Procedure, 1973 the Applicant seeks pre-arrest bail in Crime No.3 of 2019 registered with Marine Drive Police Station for offences punishable under Sections 419, 420, 465, 467, 468, 471, and 472 r/w. 34 of the Indian Penal Code and Section 66(c) (d) of the Information Technology Act, 2000.

2. Heard Mr. Maitreya Shukla, learned counsel for the Applicant and Mr. P.H. Gaikwad, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. Crime against the Applicant was registered pursuant to the FIR lodged by one Shivshankar, an officer of the Income Tax Department. It is alleged that the Applicant had received money from the co-accused Bhairav Kishor Shah, which was to be deposited before the Income Tax (TDS) Department. It is alleged that the Applicant had not deposited the said money and had fabricated bank statement and the letter of bank.

4. The records prima facie indicate that the Applicant had received total amount of Rs.6,23,679/- for the financial year 2016-2017 and 2017-2018 from Bhairav Shah, which was to be deposited before the Income Tax (TDS) Department and that the Applicant failed to deposit the same. It is not in dispute that the Applicant had subsequently deposited the entire amount in the Income Tax (TDS) Department. Considering the said fact, the Applicant was granted interim bail vide order dated 17th July, 2019 by this Court (Coram : Revati Mohite Dere, J.). Directions were given to the Applicant to report the concerned police station on three consecutive dates at time specified in the order.

5. Learned counsel for the Applicant states that the Applicant has complied with the order and reported to the Investigating Officer.

It is stated that the statements of the relevant witnesses are recorded and the investigation would be concluded within two weeks and the charge sheet will be filed. Presence of the Applicant is not required for custodial interrogation.

6. Considering the above facts and circumstances, the application is allowed on following terms and conditions:-

(i) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(ii) The Applicant shall furnish his current address and mobile contact numbers and /or change of residence or mobile details, if any, to the Investigating Officer.

7. The application stands disposed of.

MEGHA
S PARAB

(SMT. ANUJA PRABHUDESSAI, J.)

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