

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

BAIL APPLICATION NO. 2392 OF 2019

Santosh Bhojanna Pujari

..Applicant

v/s.

The State of Maharashtra

..Respondent/s

Mr. Nilesh Mohite for the Applicant .

Mrs. G.P.Mulekar, APP for the Respondent-State.

CORAM : ANUJA PRABHUDESSAI, J.

DATED : JULY 19, 2021.

P.C.

1. This is an application under Section 439 of Cr.P.C. filed by the Applicant, who is facing trial in Special Sessions Case No. RCC 838 of 2017 for offences under Section 420, 406 r/w. 34 of Indian Penal Code.

2. Shri Mohite, learned Counsel for the Applicant submits that the Applicant is in custody since 23.10.2017. He states that in C.R.No. I-864-17, which arises from the same transaction, bail application filed by the Applicant was rejected with liberty to file fresh application in case the trial was not concluded in one year. Ld. Counsel for the Applicant states that no fresh application has

been filed in the said Crime and hence the Applicant continues to be in custody. Learned Counsel for the Applicant states that considering the period of detention undergone by the Applicant, he be released on bail.

3. It is the case of the prosecution that the Applicant and the other co-accused, started an office in the name Om Sai City Home Builders and Developers. They assured the first informant and several other prospective purchasers to provide 1BHK and 2BHK in a chawl proposed to be constructed by Om Sai City Builders and Developers. They entered into an agreement and received money towards sale of the apartments/rooms. The Applicant and the other co-accused did not undertake any such constructions, but cheated the prospective purchasers and misappropriated the money paid towards purchase of the said apartments/ rooms. In all, three crimes have been registered against the Applicant and the others based on the first information reports lodged by the prospective purchasers. The Spl. Case RCC No. 838-17 arises from C.R. I- 33 of 2015, registered with Bazaarpeth Police Station, Kalyan on 24.01.2015.

4. I have perused the records and considered the submissions advanced by the learned Counsel for the Applicant and the learned APP for the State.

5. The maximum punishment for the offence allegedly committed by the Applicant is 7 years. The Applicant, an under trial prisoner, is in custody since 23.10.2017. He has undergone detention for a maximum period of sentence that can be imposed. It is stated that so far 16 witnesses have been examined and considering the present situation, arising due to COVID-19 pandemic, will take considerable time to conclude the trial

6. Considering the above facts and circumstances, the applicant is entitled to be released on bail. Hence the following order:-

(i) The Application is allowed.

(ii) The Applicant Santosh B. Pujari is ordered to be released on bail on furnishing fresh P.R.Bond, in the sum of Rs.25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount.

(iii) The Applicant shall attend the trial as and when the matter is listed for trial.

(iv) The Applicant shall keep the trial Court informed of his current address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time.

. Application stands disposed of accordingly.

PRASANNA P
SALGAONKAR
Digitally
signed by
PRASANNA P
SALGAONKAR
Date:
2021.07.23
10:43:59
+0530

(ANUJA PRABHUDESSAI, J.)