

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3183 OF 2019

Vasant Dattu Patil	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Rajiv Patil, Senior Advocate, with Mr.Saurabh Raut i/by Mr.Hasan Patel for applicant.

Mr.R.M.Pethe, APP, for State.

PSI Nilesh Walkar, Bazar Peth Police Station, Thane present.

CORAM : PRAKASH D. NAIK, J.

DATE : 10th August 2021

PC :

1. This is an application for bail in CR No.I-33 of 2015 registered with Bazar Peth Police Station, Thane for offences under Sections 420, 406 r/w 34 of Indian Penal Code. The applicant is arrested on 23rd October 2017.

2. The FIR was registered on 24th January 2015. The complainant has alleged that he along with several other persons named in the FIR had parted amount of Rs.62,26,624/- to the developer and builder Sachin Baliram Pawar towards purchase of premises. The promises were not fulfilled and the amount was misappropriated. On completing investigation charge sheet is filed.

3. Learned advocate for applicant submitted that the applicant is in custody for a period of about three and half years. He is not named in the FIR. He is not party to the misappropriation of

amount. He is not party to the alleged transactions executed by Sachin Pawar. The applicant was material supplier. He has been implicated in this case since he was involved in another case. Although trial has proceeded and several witnesses are examined, considering role of the applicant and the fact that for substantial period of time he is in custody, the applicant be granted bail. It is submitted that in similar situation the co-accused Santosh Pujari has been recently granted bail by co-ordinate Bench vide order dated 19th July 2021 passed in Bail Application No.2392 of 2019.

4. Learned APP submitted that two other cases are registered against applicant with Mahatma Phule Chowk Police Station, Kalyan vide CR No.847 of 2014 and 864 of 2014.

5. Apparently the applicant is on bail in the previous cases which were registered in the year 2014. The FIR does not attribute any overt act to the applicant. Nothing incriminating was pointed out showing his complicity with regards to false promises and collection of huge amount from the purchasers of premises. The co-accused Santosh Pujari has been granted bail by this Court. The applicant is in custody since last three and half years. Considering the factual aspects, further detention of applicant is not necessary. Hence, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.I-33 of 2015 registered with Bazar Peth Police Station, Thane, on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- (iii) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for eight weeks in lieu of sureties;
- (iv) The applicant shall report Bazar Peth Police Station once in three months on every first Saturday between 10 am to 1 pm till conclusion of trial;
- (v) The applicant shall not tamper with evidence and shall attend Trial Court proceedings regularly on the dates of hearing unless exempted by the Trial Court.

(PRAKASH D. NAIK, J.)

MST