

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

BAIL APPLICATION NO.3627 OF 2019

Atul Anil Chaturvedi

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

Mr.R.N. Sukhija, Advocate for the Applicant.

Mr.R.M. Pethe, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JULY 30, 2021.

P.C. :

This is an application for bail. The applicant is arrested on 10th March, 2019, in connection with C.R.No.125 of 2019, registered with Kalyan Taluka Police Station, for the offence punishable under Section 420 read with 34 of Indian Penal Code ("IPC", for short). First Information Report ("FIR", for short) was registered on 9th March, 2019.

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The case of the prosecution is that during the period from 3rd February, 2019 to 6th March, 2019, the applicant accused had promised the complainant to provide him loan of Rs.60,00,000/-, for business purposes and from time to time he

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took an amount of Rs.7,10,000/-, from him. Similarly amount was also obtained from other aggrieved persons. The total amount misappropriated by the applicant was Rs.13,13,250/-. The investigation is completed and charge-sheet was filed.

3 Applicant preferred an application for bail before the Sessions Court Kalyan, which was rejected by order dated 18th July, 2019.

4 Learned advocate for the applicant submitted that the applicant is charged for the offence punishable under Section 420 of IPC. The offence is triable by the Magistrate. There was no intention to cheat. The applicant is in custody for substantial period of time. The co-accused has been granted bail.

5 Learned APP submitted that the *modus operandi* of the applicant is to induce complainant and others to part with the amount under the promises of providing loan. Similar cases were registered against him with Khandeshwar Police Station, APMC Police Station and Paydhoni Police Station. One more case is registered for an offence under Section 307 of IPC in GRP Farukabad Police Station. Other cases are relating to offences under Section 420 of IPC. If bail is granted to him, he may not be available for trial. There is no fixed place of residence to the

applicant. He has provided different addresses in different proceedings.

6 Learned counsel for the applicant submitted that more than two years the applicant is in custody. The applicant cannot be kept in custody for indefinite period. He has annexed the copy of Aadhar Card of the applicant which shows the place of residence alongwith ration card to verify the permanent place of the applicant.

7 I have perused the FIR and other documents. The present case relates to the offence under Section 420 of IPC. The applicant is in jail from 10th March, 2019. Thus, he is in custody for substantial period of time. It is true that the applicant is also involved in other cases. Apparently, he was on bail in other cases. Considering the fact that the offence is triable by Magistrate and for substantial period of time the applicant is in custody, bail can be granted to the applicant.

:: ORDER ::

- (i) Bail Application No.3627 of 2019, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No.125 of 2019, registered

with Kalyan Taluka Police Station, on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

- (iii) Applicant shall report concerned police station once in three month on first Saturday of the month between 11:00 a.m. to 01:00 p.m., and, thereafter, as and when called for;
- (iv) Applicant shall not tamper with the prosecution evidence;
- (vi) Bail Application No.3627 of 2019, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)