

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

BAIL APPLICATION NO. 628 OF 2022

Mr. Kashyap s/o. Indubhai Parikh Applicant
v/s.
CBI, EOW, Mumbai and anr. Respondents

**WITH
BAIL APPLICATION NO. 630 OF 2022**

Amya Javeri Applicant
v/s.
CBI, EOW, Mumbai and anr. Respondents

Mr. Ashok M. Saraogi for the Applicants in both Applications.
Mr. Kuldeep S. Patil for Respondent No.1.
Ms. M.M. Deshmukh, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th MARCH, 2022.

P. C. :-

. The Applicants herein have filed these Applications under Section 439 of Cr.P.C. seeking bail in CBI Special Case No.1266/2021 wherein they are facing trial for offences punishable under sections 419, 420, 465, 467, 468, 471 r/w. 120(B) of the Indian Penal Code.

2. Heard Mr. Ashok Saraogi, learned counsel for the Applicants, Mr. Kuldeep Patil, learned counsel for Respondent No.1 and Ms. M.M.

Deshmukh, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. It is the case of the prosecution that one Ganesh Ubhare, the co-accused and Amit Kumar Barnwal, the then Branch Manager, SBI Bank, Mandvi Branch entered into a criminal conspiracy with an intent to cheat SBI Bank in the matter of fraudulent sanction and disbursal of Car loans sourced by M/s. Vroom Motors during the period from 2016 to 2018. It is stated that the Applicants are the beneficiaries of the said fraud.

4. It is to be noted that the alleged incident is of the year 2018. FIR was registered in the year 2020 and the charge sheet has been filed in December, 2021. Till the date of filing of the charge sheet, the accused was not arrested. Even after filing of the charge sheet, the accused were on interim bail vide interim bail order dated 01/12/2021. The Bail Application has been dismissed on 14/02/2022 only on the ground that the Applicants are involved in committing economic offence.

5. It may be mentioned here that the maximum punishment for the

offence is of seven years imprisonment. It is well settled that bail cannot be withheld to penalize the accused and the object is to secure his attendance at trial. The Investigating Agency did not feel the need to arrest the accused till filing of the charge sheet. No grounds are made out to detain the accused pending trial.

6. Under the circumstances, in my considered view, the Applicants are entitled for bail. Hence, the Bail Applications are allowed on following terms and conditions :-

(a) The Applicants who are facing trial in CBI Special Case No.1266/2021 pending before Special Judge for CBI, Greater Bombay are ordered to be released on cash bail in the sum of Rs.50,000/- each (Rupees Fifty Thousand each) for a period of four weeks ;

(b) The Applicants shall, within the said period of four weeks, furnish bail bonds in the sum of Rs.50,000/- each (Rupees Fifty Thousand each) with one or two sureties in the like amount ;

(c) The Applicants shall report CBI, EOB, Mumbai once in a month on every 1st Saturday between 11.00 a.m. to 01.00 p.m. until further orders;

(d) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(e) The Applicants shall keep the Trial Court informed of their current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

(f) The Applicants shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

7. Bail Applications stand disposed of in above terms.

**PREETI
H JAYANI**

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PREETI H JAYANI
Date: 2022.03.19
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(SMT. ANUJA PRABHUDESSAI, J.)