

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

CRIMINAL BAIL APPLICATION NO. 1050 OF 2022

Satish Devidas Zond

..Applicant

V/s

The State of Maharashtra

..Respondent

Mr. Abhaykumar Apte, for the Applicant.

Smt. Lohokare, APP for the Respondent-State.

Mr. Imran Shaikh, PSI, Crime Branch Unit 1, Pimpri Chinchwad,
Pune present.

CORAM : NITIN W. SAMBRE, J.

DATED : 9th NOVEMBER, 2022

P.C.:

1. The case of the prosecution against the applicant is, the applicant accepted an amount of Rs. 4,58,89,674/- by promising the transfer of plots at heavy discounted price.
2. As neither the sale deeds are executed nor amount was returned to the buyers, offence being crime no. 243 of 2017 punishable under sections 406 & 420 r/w. 34 of IPC and under sections 3 & 4 of MPID Act came to be registered.
3. After arrest on 06/05/2017, the applicant is already charge-sheeted and the charge is framed against the applicant.
4. Mr. Apte, learned counsel appearing for the applicant has pressed the prayer for grant of regular bail based on the

provisions of section 436A of Cr.PC, as according to him the maximum punishment provided is of 7 years against which the applicant has already undergone more than 5 years from the date of his arrest.

5. Smt. Lohakare, APP would invite attention of this Court to the very provisions of section 436A as according to her, there are sufficient reasons to deny the bail to the applicant. According to her, apart from above, the fact that the amount was misappropriated, the wife of the applicant a co-accused is absconding is sufficient to reject the prayer for bail.

6. The fact remains that the applicant has already suffered incarceration for a period of more than 5 years as against the maximum punishment of 7 years prescribed.

7. Apart from above, the fact that the wife of the applicant who is co-accused is absconding cannot be a reason of rejecting the prayer for grant of bail particularly when the non-applicant has not taken recourse to section 82 of Cr.PC against the said co-accused i.e. for declaring her as an absconder.

8. In the aforesaid background, considering the mandate under section 436A of Cr.PC, in my opinion case for grant of bail is made out.

9. The applicant be released on bail in **C.R. No. 243 of 2017** registered with Nigadi Police Station for the offence punishable u/s. 420, 406 r/w. 34 of IPC and u/s 3 & 4 of MPID Act upon furnishing P.R. bond in the sum of Rs.1,00,000/- with one or two sureties in the like amount.
10. The applicant to surrender his passport before the Trial Court before his release.
11. The applicant shall neither influence the witnesses nor tamper with the evidence in any manner.
12. The applicant shall attend the trial regularly.
13. In case, if it is noticed that the applicant is unnecessarily avoiding the trial proceedings, the Trial Court shall be at liberty to take out the proceedings for taking applicant in the custody forthwith.
14. The application stands disposed of.

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(NITIN W. SAMBRE, J.)