

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1301 OF 2022
ALONGWITH
INTERIM APPLICATION NO.3037 OF 2022
WITH
INTERIM APPLICATION NO.3036 OF 2022
WITH
INTERIM APPLICATION NO.3035 OF 2022
IN
BAIL APPLICATION NO.1301 OF 2022

Rajesh Ramdhani Sharma	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Rahul Karnik a/w Jinal Rathi i/b H.R. Sharma for the Applicant.
Mr.S.V. Gavand, APP for the State.
Mr.A.A. Mirza a/w Adil Mirza for the Intervenor.

CORAM : BHARATI DANGRE, J

DATE : 17th OCTOBER, 2022.

P.C.

1] In pursuance of the order dated 04.10.2022, the Applicant has filed an Affidavit sworn before the Superintendent, Thane Central Prison, on 08.10.2022.

In the said Affidavit, he has made following statements:-

“3. I hereby undertake that after my released from the Jail, I will repay said amount of Rs. 2,23,400/- [Rupees Two Lakhs Twenty-Three Thousand Four Hundred Only] to the informant within four weeks from the date of my release and further amount of Rs. 4,00,000/- [Rupees Four Lakhs Only] will pay to the witness Vaghari within Five months in four equal regular installments from the date of my release from the Jail and first installment, I will pay within one hand half month. I hereby further clarify that total amount of Rs. 6,23,400/- [Rupees Six Lakhs Twenty Three Thousand and Four Hundred Only] will clear within five months from the date of my release from the Jail.

4. I say that I will arrange money by disposing of some property and will pay it within time mentioned above. I say that whatever stated herein above is true and correct to the best of my knowledge and belief.”

2] Accepting the aforesaid statements, I have already noted that as far as Abdul Latif Khan is concerned, since he is not investor, his intervention application was not entertained. Since two investors are being settled by the Applicant, the Applicant deserve to be released on bail subject to stipulation that he shall abide by the undertaking given to this Court, as contained in his Affidavit dated 08.10.2022. However, it is for the parties to approach the competent Court seeking appropriate remedy for quashing of FIR or even the proceedings, filed under Section 138 of the NI Act.

Hence, the following order :

ORDER

(a) Application is allowed.

(b) Applicant – Rajesh Ramdhani Sharma shall be released on bail in CR NO.I-261/2019 registered with Goregaon Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

The Applicant shall be released on cash bail of Rs.25,000/- for a period of six weeks in lieu of sureties. During the said period the applicant shall arrange for the sureties.

(c) The applicant shall report to the concerned Police Station as and when called for.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(e) The Applicant shall regularly attend trial, on every date, unless exempted.

(f) Interim Applications are also disposed off.

[BHARATI DANGRE, J]