

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1399 OF 2022

Jayesh Madhukar Potnis .. Applicant
Versus
The State of Maharashtra and others .. Respondents

WITH

INTERIM APPLICATION (St) NO. 17023 OF 2022

Arun Shelar .. Applicant
Versus
The State of Maharashtra and others .. Respondents

Adv. O.R. Tiwari a/w Adv. A.R. Kale for the Applicant.

Adv. Neha Mhatre i/b Vis Legis Law Practice for the Intervenor.

Mr. S.V. Gavand A.P.P. for the State/Respondent.

CORAM: BHARATI DANGRE, J.

DATED : 12th OCTOBER, 2022

P.C:-

1. Heard the learned counsel for the applicant, counsel for the complainant and the Learned APP for the State.
2. The applicant is charged for the offence of cheating and criminal breach of trust i.e. under sections 406 and 420 of IPC. The concerned complaint was registered with Vile Parle Police Station on 1/07/2021 by the complainant, a proprietor of Omkar Publicity Promotions. He alleged that the applicant is working as an accountant

with him, and he received notices from the concerned department, that there is failure on part of his company to pay the tax, he lodged the complaint, alleging that the applicant has misappropriated the amount, which was made over to him for payment of taxes. The allegation is that out of 71,41,890/- which was paid to him, only the tax to the worth of Rs. 9,33,794/- has been paid, and the amount of Rs.62,16,096/- is embezzled.

3. On completion of the investigation, the entire material is compiled in the charge-sheet and since there is no provision for incarcerating the applicant/accused indefinitely and particularly when the evidence to be led at the time of trial is in form of documentary evidence, the further incarceration of the applicant is not necessary, Since he came to be arrested on 28/08/2021. No doubt the applicant shall take the consequences of the charges levelled against him, which may even result in his conviction if the prosecution is able to establish its case by cogent evidence.

Hence the following order:

: ORDER :

- (a) Application is allowed.
- (b) Applicant – Jayesh Madhukar Potnis shall be released on bail in connection with C.R.No.503 of 2021 registered with

Vile Parle on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.

The applicant shall be released on cash bail in lieu of sureties for a period of 6 weeks.

(c) The applicant shall mark his attendance before the concerned police station on First Saturday of the Trimester between 3:00 p.m to 5:00 p.m and, shall attend the trial on regular basis.

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

(e) On being released on bail, the applicant shall give his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

4. In view of disposal of the Bail Application No. 1399 of 2022, Interim Application No.17023 of 2022 do not survive and stands disposed off accordingly.

(SMT. BHARATI DANGRE, J.)