

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

BAIL APPLICATION NO. 2498 OF 2021

Dattaram Motiram Gorad

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. M.P.Mishra, for the Complainant.
Mrs. A.A.Talwalkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 6th APRIL, 2022.**

P.C.

1. This is an application under Section 439 of Cr.P.C. filed by the aforesaid applicant, who is facing trial in Criminal Case No. 1367 of 2021, pending on the file of Addl. Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai for offences under Section 419, 420, 465, 467, 468, 120-B r/w. 34 of Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by Ganesh Satardekar. The FIR and other material on record prima facie reveals that the Applicant herein had introduced the Complainant to the co-accused Prakash Kelatkar and his son Mahesh Prakash Kelatkar, and had induced him in purchasing a room in a re-development project. The Complainant had paid to the Applicant, sum of Rs.21,000/- for preparation of file and thereafter he had paid total amount of

Rs.6,19,000/-.

3. It is stated that the Applicant and the other co-accused entered into several false agreements, they signed false declarations and agreements. The Complainant subsequently learnt that the Applicant herein had cheated him under the pretext that he would provide room in a redevelopment project.

4. Mr. Mishra, learned Counsel for the Applicant, under instructions, states that the Applicant is ready to deposit the amount of Rs.6,19,000/-, which can be paid to the Complainant. He states that 50% of the said amount will be deposited within two weeks and the balance amount will be deposited within three weeks from the date of release of the Applicant from jail.

5. The investigation in the case is completed. Chargesheet has been filed. The Applicant is not required to be detained in custody pending trial, particularly considering the fact that the trial is not likely to commence in immediate future, in view of large pendency of cases. Under the circumstances, the Application is allowed on the following terms and conditions:-

(i) The Applicant who is facing trial in Criminal Case No. 1367 of

2021, pending on the file of Addl. Chief Metropolitan Magistrate, 24th Court, Borivali, be released on cash bail of Rs.40,000/- (Rupees Forty Thousand Only) for a period of two weeks;

(ii) The Applicant shall within the said period of two weeks furnish P.R.Bond in the sum of Rs.40,000/- (Rupees Forty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the learned Addl. Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai;

(iii) The Applicant shall deposit before the trial Court, amount of Rs.3,09,500/- (Rupees Three Lakhs Nine Thousand Five Hundred) **within the period of fifteen days from the date of this order**, and the balance amount of Rs.3,09,500/- (Rupees Three Lakhs Nine Thousand Five Hundred) **within three weeks from the date of his release from the jail.**

(iv) The Applicant shall report to the Investigating Officer or Sr. P.I. of the Malad Police Station on the first Monday of every month until further orders;

(v) The Applicant shall attend each and every date before the Trial Court till conclusion of the trial;

(vi) In the event the amount is not paid within the stipulated time, the bail Order is liable to be canceled;

(vii) The Applicant shall not interfere with the complainant or the other witnesses, or tamper with the evidence in any manner;

(viii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer;

(vi) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

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(ANUJA PRABHUDESSAI, J.)