

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1649 of 2022

Sanjeev Khanna @ Sanju .. Applicant
Versus
The State of Maharashtra & Anr .. Respondents
...

Ms. Keral Mehta with Mr.Niranjan Mundargi for the applicant.
Mr.Sandesh Patil with Anushu Amin and Abhishek Bhadand for
respondent no.2 CBI.
Mrs.A.A. Takalkar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 21st JUNE, 2022

P.C:-

1 Heard learned counsel for the applicant, Mr.Sandesh Patil for the CBI and learned APP for the State.

2 The applicant, seeking his release on bail in connection with C.R.No. 406/2015 registered with Khar police station, lay a stressful emphasis and try to derive the benefit of the order of the Hon'ble Apex Court in case of Indrani Pratim Mukerjea delivered on 18/5/2022, who was arraigned as accused no.1 in the same C.R.

3 In the application which is filed before this Court, the applicant has pressed into service the merits by alleging his wrongful involvement and it is also sought to be canvassed that there is no material on record to attribute any role to him, not even to the extent of the conspiracy as alleged. In absence of any motive and evidence compiled in the charge-sheet, pointing out the involvement of the applicant in the subject C.R, the applicant seek his release on bail.

4 On 18/5/2022, while dealing with the application of the accused no.1, in Special Leave Petition, challenging the order passed by the High Court, dismissing the application for bail, the Hon'ble Apex Court took note of the long incarceration of the applicant and without commenting on the merits of the case, since it would have been detrimental to the interest of the prosecution or the defence, the factum of incarceration for 6 ½ years, coupled with the period that is likely to be consumed in conclusion of the trial, was held to be a factor, which entitled the applicant to be released on bail.

5 Though the learned counsel for the CBI would assertively submit that there is sufficient material compiled in the charge-sheet against the present applicant, in the wake of the order passed by the Apex court on 18/5/2022, when the prime accused in the said C.R, came to be released on bail for the

reasons recorded in the order, I do not think that the present applicant shall be deprived of extending the benefit of the said order.

6 Without deciding the merits of the matter and going into the rival contention advanced, the learned counsel for the CBI, attempting to point out the material against the applicant, and the counsel for the applicant vehemently submitting that even if the charge-sheet is taken as it is, there is no sufficient material to indict her, I deem it appropriate to extend the benefit of order dated 18/5/2022 passed by the Hon'ble Apex court, in case of the co-accused to the applicant before me. Hence, the following order :-

ORDER

- (a) In connection with C.R.No.406/2015 registered with Khar Police Station, the applicant Sanjeev Khanna @ Sanju shall be released on bail on furnishing P.R. bond to the extent of Rs.1,00,000/- (Rupees One lakh only) with one or two sureties of the like amount.
- (b) 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.

- (c) in case if the passport of the applicant is not seized during investigation, he shall surrender his passport and shall not leave India without permission of the CBI Court.
- (d) The applicant shall inform his latest place of residence and contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the prosecution as well as CBI Court, in writing.
- (e) The applicant shall regularly attend the trial and shall not seek any adjournment on whatsoever count.
- (f) If there are two consecutive defaults in appearance before the trial Court or breach of any of the above conditions, the prosecution will be at liberty to apply for cancellation of the bail.

Application allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)