

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2343 OF 2022

Bhavesh Kalyanji Bhanushali @ Mange ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr. R.D. Soni alongwith Mr. Vipinchandra Kasle instructed by Mr. Tushar Momaya for the Applicant.

Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 16 DECEMBER 2022

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 58 of 2022 registered at Taloja Police Station, for the offences punishable under Sections 420, 406 r/w. 34 of Indian Penal Code.

3. According to the prosecution, the present applicant and other co-accused hatched the conspiracy to defraud the complainant company which deals in edible oil. It is alleged that pursuant to the said conspiracy the applicant and other co-accused falsely represented to the complainant company that they are proprietors of Vijay Enterprises and Nakoda

This order is corrected pursuant to the speaking to
minutes of the Order dated 9 January 2023.

Enterprises. It is alleged that they then placed the online order for purchase of edible oil worth Rs.42,50,394 with the complainant company, and when the said goods were delivered to them, they gave forged receipt of on-line payment. It is alleged that the present applicant and other co-accused defrauded the complainant company of Rs.42,50,394 by submitting forged documents.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submits that the substantial amount of Rs.21 Lakhs is already recovered. The applicant has paid an amount of Rs.3.50 Lakhs. It is further submitted that the applicant is in jail for more than nine months. Considering these facts and circumstances, the applicant may be released on bail.

6. On the other hand, the learned APP for the State submits that applicant is involved in two more cases of similar nature. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. The learned Counsel for the applicant submitted that the applicant is granted bail in both the crimes. The applicant has deposited the amount of Rs.3.50 Lakhs and is willing to deposit some reasonable amount. The applicant is in jail for more than nine months. Considering these facts, I am inclined to release the applicant on bail on the condition

of deposit of Rs.5,00,000/-. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Bhavesh Kalyanji Bhanushali @ Mange be released on bail in Crime No. 58 of 2022 registered at Taloja Police Station, for the offences punishable under Sections 420, 406 r/w. 34 of Indian Penal Code on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall deposit with the trial Court the amount of Rs.5 Lakhs within two months from the date of his release. If the applicant fails to deposit the said amount, the bail granted to him by this order shall stand cancelled.

(N.R. BORKAR, J.)