

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO.3562 OF 2021**

Laxman alias Kartik Chandanshive .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Ganesh K. Sovani i/b Ranjana Humane for the Applicant.

Ms.A.A.Takalkar, A.P.P. for the State/Respondent.

PI Kamble attached to Vile Parle Police Station, present.

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**CORAM: BHARATI DANGRE, J.**

**DATED : 19<sup>th</sup> AUGUST, 2022**

**P.C:-**

1. The applicant is facing charge under Sections 395, 170, 120-B, 414 read with Section 34 of I.P.C. in Sessions Case No.535 of 2021 and by the present application, he seeks his release on bail on the ground that the co-accused, who have been attributed a serious role in the charge-sheet, are already released on bail.

Learned counsel has placed on record the orders passed in case of the co-accused Nos. 1, 2, 3, 4, 9, 11 and 14.

2. Heard the learned counsel for the applicant and learned A.P.P. for the State. Perused the material compiled in the charge-sheet.

3. The case of the prosecution on the basis of C.R.No.I-60 of 2021 lodged at Vile Parle Police Station is to the effect that, accused No.1-Dinesh Dureja wanted to transfer Rs.12 Crores to Canada. For that purpose, he contacted accused No.2-Gafoor Mohammed, who in turn contacted Dr.Prasad. Dr.Prasad directed the accused Nos.1 and 2 to accused No.3-Dinesh Pathare. In furtherance of the conspiracy hatched by the accused persons, they all went to Airport Taj Hotel, Vile Parle, Mumbai on 15/02/2021 and met accused No.4-Arif Sayed. A meeting took place with the absconding accused-Rakesh Pandey and Sudhir Bhuleshankar.

As per prosecution, accused No.1 expressed his intention to transfer Rs.20 Crores instead of the original amount of Rs.12 Crores, out of which it was decided that sum of Rs.2 Crores will be given to accused Nos.3 and 4. Accordingly, on 17/02/2021, an amount of Rs.12 Crores was brought to "Bawa International Hotel", Vile Parle, Mumbai and it was sent to one Patel Angadia, Malad, Mumbai and when the amount reached to Malad, it was counted by co-accused Tushar and Sudhir. It

is alleged that some persons impersonated themselves as police and took the entire amount of Rs.12 Crores, accusing that the amount belongs to terrorist fund and it was confiscated alongwith the mobile phones of accused Nos.1 and 2.

4. In the wake of the accusations, the investigation was completed and charge-sheet came to be filed. The case of the prosecution is crystallized through the statements of various witnesses, including Prakash Sethi and Yashwant Singh.

As per the statement of Vikas Sethi, after the money was counted in the office at Malad, four persons in civil clothes arrived there and disclosed to them that they are police personnel and questioned them about what was happening. As per the witness, he and Tushar were taken in custody and the four persons brought the bags filled with money downstairs, where two cars were waiting. Vikas and Tushar were made to sit in two different cars and they were brought to residence of Tushar at Goregaon. The witness specifically identified the three persons as Dinesh Dureja, Gafoor Mohd. and Dinesh Pathare and also named four persons, who had impersonated themselves as police.

5. None of the witnesses has mentioned the applicant to be a part of the first incident of transferring the money or the second incident, where the money was confiscated. A limited role attributed to the applicant, who is arraigned as accused No.10, is his participating in the conspiracy and it is alleged that he was present at the time of first incident and he gave tip of movement of the booty at Malad Angadia office to the wanted accused Tushar Khandagale.

Learned A.P.P. states that the applicant has been identified by Vikas Sethi, whose statement is compiled in the charge-sheet. When the said statement is perused carefully, it is apparent that he has narrated the actual version of the happenings and has particularly identified the persons, but there is no mention in his statement about the presence of the applicant. Learned A.P.P. states that the applicant was waiting outside, but from the statement of Vikas Sethi, the said statement stands falsified.

In any case, the applicant is not the person, who was present inside the office, when the cash was confiscated. Co-accused Dinesh Pathare, who is specifically named, is already released on bail on 24/09/2021. Apart from him, co-accused Dinesh Dureja and Arif Sayed, who are alleged to have

participated in dacoity at Malad Angadia office, are also released on bail. Asif Sayed, who is accused of looting the booty at Vile Parle hotel, is also released on bail. There is no reason why the benefit of these orders shall not be extended to the present applicant with a limited role being attributed to him. He, therefore, deserves his release on bail.

**: ORDER :**

- (a) Application is allowed.
- (b) Applicant -Laxman alias Kartik Chandanshive shall be released on bail in connection with C.R.No.I-60 of 2021 registered with Vile Parle Police Station on furnishing P.R. Bond to the extent of Rs.15,000/- with one or two sureties in the like amount.
- (c) 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.
- (d) The applicant shall mark his attendance on First Monday of every trimester between 10.00 a.m. to 12.00 noon, till framing of charge and, thereafter, shall abide by the directions issued by the trial Court.

(e) On his release, the applicant shall provide is contact number and address of his residence to the Investigating Officer.

( SMT. BHARATI DANGRE, J.)