

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

BAIL APPLICATION NO. 46 OF 2023

Mukesh Ambalal Mehta	..Applicant
VS.	
The State of Maharashtra	..Respondent

Ms. Tripti R. Shetty for the Applicant.

Mr. S. V. Gavand, APP for the State.

S.P. Kamble, PSI, Dahisar Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 11, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail filed by the applicant - Mukesh Ambalal Mehta, in connection with C.R. No. 572 of 2022 registered with Dahisar Police Station, for the offence punishable under sections 420, 465, 467, 468, 471, 201 and read with 34 of the Indian Penal Code, 1860.
- 3.** Priority was given for listing this application as it was mentioned by the learned counsel for the applicant that the applicant suffers from medical conditions. The prisoner's

medical report dated 10/01/2023 is placed on record. It is indicated that the applicant was admitted from 21/12/2022 to 30/12/2022. The applicant is known case of Hypertension since 15 years, known case of Kidney disease since 30 years, known case of Ischemic Heart Disease and known case of COPD on Rotahaler since 15 years. The applicant is reported as being vitally and Haemodynamically stable. The applicant is medically examined by the Sir J.J. group of Hospital.

4. So far as merits are concerned it is a case that one of the bank employee cheated the complainant to the tune of Rs.17,20,197/-. The said amount without the knowledge of the complainant was transferred from her account by NEFT transaction. An amount of Rs.13,07,229/- in the bank account of the applicant is frozen. An amount of Rs.6,20,000/- was transferred to the account of the co-accused. So far as the applicant is concerned, learned counsel for the applicant pointed out that an amount of Rs.2,80,000/- was already deposited by way of a demand draft before the Magistrate Court.

5. The applicant was arrested on 15/06/2022 and is in

custody for almost 6 months. The charge-sheet is filed and the investigation is complete. The main accused appears to be the employee of the bank who has transferred the amount from the account of the complainant. The applicant is suffering from medical conditions, there is nothing to indicate that the applicant is a flight risk and that he will avoid attending trial Court. No criminal antecedents are reported. Therefore, no further incarceration is needed. Hence, the following order.

ORDER

- (a)** The applicant- Mukesh Ambalal Mehta, in connection with C.R. No. 572 of 2022 registered with Dahisar Police Station, shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties of the like amount.
- (b)** The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (c)** The applicant shall report to the concerned police station once a month i.e. on first Monday of every month between 10.00 a.m. and 12 noon and thereafter as and when called.
- (d)** On being released on bail, the applicant shall furnish his contact number and residential

address to the Investigating Officer and shall keep him updated, if there is any change.

(e) 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. The applicant should not tamper with evidence.

(f) If it is found that the said demand draft of Rs.2,80,000/- is not deposited then the same shall be deposited within a period of 4 weeks from today before the Magistrate's Court.

6. The application is disposed of.

(M. S. KARNIK, J.)