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Mr. Amit Palkar, APP for the State.

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DATED : 28 APRIL 2023

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 Talaja 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 had entered into 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 Enterprises. It is alleged that they then had 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 to the tune 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 applicant has nothing to do with the alleged crime. It is submitted that the applicant is in jail for more than 1 year and there are no criminal antecedents.

6. On the other hand, the learned APP submits that considering the nature of offence, the applicant may not be released on bail.

7. There appears to be recovery of substantial amount. The applicant is in jail for more than one year and there are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Rahulkumar Vishnukumar Rawal 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.

(N.R. BORKAR, J.)