

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

BAIL APPLICATION NO.370 OF 2022

Harshad Dinanath Bari ..Applicant
VS.
The State of Maharashtra ..Respondent

Mr. Rohan R. Sonawane a/w Ms. Priyanka Pandey for the Applicant.

Mr. S. H. Yadav, APP for the State.

Mr. V. R. Rajad, PSI and Mr. J. B. Vasave, PC, Boisar Police Station, Palghar is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 17, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail by the applicant-Harshad Dinanath Bari in connection with C.R. No.I-267 of 2017 dated 27/12/2017 registered with Boisar Police Station, Palghar under Sections 120-B, 406, 420, 467, 468, 471 read with 34 of the Indian Penal Code, 1860 and under Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, ("MPID Act", for short).

3. As per the charge-sheet the amount involved in respect of the offence is Rs.3,73,65,000/-. However, learned APP submitted that there is material on record to indicate that the total amount involved is Rs.4,21,00,000/-. The applicant is accused No.3. All other accused have been released on bail. The role of the accused Nos.1 and 2 who are released on bail are similar to that of the present applicant.

4. Learned APP however submitted that present applicant is the sole proprietor of Gayatri Maa Marketing whereas other acted as agents. The allegation is that all the accused collected monies on behalf of the investors. The applicant was arrested on 19/02/2018 and he is now in custody for almost 4 years and 11 months. By an order 09/09/2021 passed by this Court in Criminal Bail Application No.488 of 2020 and order dated 29/07/2021 passed in Criminal Bail Application No.539 of 2020, the co-accused-Ravindra Vasudev Bari and Rajesh Vitthal Vaze were granted bail. The role of the applicant is similar. The allegations are similar in nature. Merely because the applicant is the sole proprietor

of the Gayatri Maa Marketing will not be a ground itself to deny the applicant the facility of bail more so when the applicant is in custody for more than 4 years and 11 months and considering that the charge has not yet been framed and the trial is likely to take long time to conclude.

5. It is further pointed out that property to the extent of Rs.1,57,59,800/- is seized. The charge-sheet has been filed. The investigation is complete. Considering the long incarceration of the applicant as an under-trial prisoner, the applicant can be released on bail. There is nothing on record to indicate that the applicant is a flight risk.

6. Hence, the following order :-

ORDER

(a) Application is allowed.

(b) Applicant-Harshad Dinanath Bari shall be released on bail in connection with C.R. No.I-267 of 2017 registered with Boisar Police Station, Palghar on his furnishing P.R. Bond of Rs.50,000/- with one or more 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 report to the concerned police station once in a month i.e. on first Monday of every month between 11.00 a.m. and 1.00 p.m.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

7. The Bail Application is disposed of.

(M. S. KARNIK, J.)