

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 447 OF 2020

Chintan Prakashbhai Shah ... Applicant

Versus

The State of Maharashtra and another ... Respondents

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Mr. Kapil Shah instructed by M.K. Juris Associates for the Applicant.
Ms. Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 31 JANUARY 2023

P.C. :-

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

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

3. On 26 June 2020, this Court passed the following order :

“Heard Mr. Shah, learned counsel appearing for the Applicant and Mr. Gavand, learned APP through Video Conferencing.

2 This is an Application for interim bail in CR No. 346 of 2017 registered with Swargate Police Station, Pune under Sections 406, 420, 465, 468 and 471 of the Indian Penal Code.

3 *The record indicates that, the investigation of the present crime is already completed and the police have submitted charge-sheet. In view of the application of Sections in the present Crime and the current pandemic situation, this Court is of the view that, the Applicant can be granted interim bail.*

4 *The learned counsel for the Applicant, on instructions, submitted that, except the case filed under Section 138 of the Negotiable Instruments Act in the Court of Competent jurisdiction at Delhi, there are no other antecedents at the discredit of the Applicant. In view thereof, the Applicant is granted interim relief.*

5 *Hence, the following order-*

a) *The Applicant shall be released on bail in CR No. 346 of 2017 registered with Swargate Police Station, Pune on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.*

b) *After his release from Jail, the Applicant shall attend the Swargate Police Station on every first Monday of the month between 10.00 a.m. and 12.00 noon till the Regular Bail Application No.447 of 2020 is heard by the regular Court after resumption of smooth functioning of the Court.*

c) *The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.*

d) *Interim Application is allowed in the aforesaid terms.”*

4. This Court, however, by order dated 7 August 2021, had recalled the said order dated 26 June 2020, by which interim bail was granted to the applicant during the pendency of present application. Against the said order dated 7 August 2021, the applicant had filed Petition for Special Leave to Appeal (Criminal) No. 6294 of 2021 and the Hon’ble Supreme Court on 31 August 2021 had passed the following order :

“This Special Leave Petition arises out of the order dated 07-08-2021 passed by the High Court vacating the

interim bail granted by the High Court vide orders dated 26.06.2020.

Since the petitioner has enjoyed the facility of interim bail for last more than 1 year & 2 months, in our view, the petitioner is entitled to the same relief for next two weeks within which time the High Court may consider disposing of the main matter mainly CRBA No.447/2020 on merits.

We request the High Court to take up the matter as early as possible.

With the aforesaid observations, this Special Leave Petition is disposed of.

Pending applications, if any, shall stand disposed of.”

5. I have perused the first information report. The basic reason for filing of the FIR appears to be commercial dispute between the parties. Prior to order dated 26 June 2020, the applicant was in jail for more than one year. Considering the facts and circumstances of the case, I am inclined to allow the present application. Hence, the following order is passed :

- (i) The interim order passed by this Court by order dated 26 June 2020 is hereby confirmed.
- (ii) The applicant shall attend the concerned police station as directed by this Court by order dated 26 June 2020, till conclusion of trial.

6. The application is disposed of.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
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