



Urmila Ingale

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

BAIL APPLICATION NO.613 OF 2023

VISHAL ANAND SHEWALE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Dr. Suresh Mane, for the applicant.

Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 6, 2023

P.C. :

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

2. This is an application for bail in respect of the offence punishable under sections 395, 392, 365, 120B, 323, 504, 506 of the Indian Penal Code, 1860, under sections 66(C) and 66(D) of the Information Technology Act, 2000 and under sections 3, 25 of the Arms Act registered on 21/12/2021 vide C.R. No.429 of 2021 with Vaduj Police Station, District- Satara.

3. There are in all 9 accused. The applicant is the accused no.9. The date of the incident is 19/12/2021. The

applicant was arrested on 13/01/2022.

4. The accusation is that 4 accused waylaid a four wheeler vehicle in which the informant was travelling. The informant's laptop and other materials belonging to him were stolen by these accused. The accusation against the present applicant is that he being a civil engineer, on the basis of the password belonging to the informant, the amounts in the nature of the crypto currency belonging to the informant to the tune of Rs.67 lakhs was transferred in the account of the present applicant. The present applicant thereafter transferred these amounts in the bank account of the other accused.

5. Learned APP opposed the application for bail. It is submitted that the present applicant along with the other accused have in a very systematic manner committed such serious offence.

6. An amount of Rs.12,10,569.89 in one of the bank account of the applicant has been attached. Further amount of Rs.13,457.23 in the bank account of the applicant in the another bank has also been attached. There is no recovery from the other accused.

7. My attention is invited to the order dated 16/01/2023 passed by this Court in respect of the co-accused Kiran Gulab Gavit in Bail Application No. 2275 of 2022 rejecting the bail application of the applicant-Kiran. In the said order, it is recorded that the applicant-Kiran is the mastermind. While rejecting the application for bail of the applicant Kiran, it has been recorded by this Court that if the trial is not over within 6 months, the applicant-Kiran is entitled to file a fresh application for bail. I am informed that even the charge has not been framed. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The trial is likely to take a long time to conclude. No doubt, prima facie, there are materials against the applicant. However, further custody will only be by way of a pre-trial punishment in the facts and circumstance of the case. The applicant will face the consequences post-trial if found guilty. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.

(b) The applicant- Vishal Anand Shewale in connection with C.R. No. 429 of 2021 registered with Vaduj police station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.

(c) The applicant shall attend the investigating officer of Vaduj police station as and when called.

(d) 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.

(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.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) The applicant shall not leave the country without permission of the trial Court.

(h) The applicant shall surrender his passport, if any,

to the investigating officer.

(i) If the applicant indulges in the similar type of offence in future, the same shall afford a ground to the prosecution to apply for cancellation of bail.

8. The application is disposed of.

(M. S. KARNIK, J.)