



DIKSHA RANE

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

**BAIL APPLICATION NO.880 OF 2023**

JAGDISH MUKHTAR SINGH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

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Adv. Sumeet Gemnani for the Applicant.

Ms. Rutuja Ambekar, APP for the State.  
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**CORAM : M. S. KARNIK, J.**

**DATE : OCTOBER 12, 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 408, 420 of the Indian Penal Code (hereafter 'IPC' for short) registered on 26/3/2022 vide C.R. No.I-91/2022 with Shivaji Nagar Police Station, Thane.
- 3.** The applicant was employed by his employer who was a transport contractor. The applicant was a driver on a chemical tanker. The tanker had several compartments. The accusations in brief are that on 11/3/2022, the Manager of Sai Fertilizer Pvt. Ltd. Company found that the tanker is lying in the premises of the company in abandoned

condition. It was noticed that one of the compartments had water in it instead of the chemical. It was realized that the missing chemical was siphoned off by the applicant and one another person i.e. co-accused. The chemical worth Rs.3,20,000/- is alleged to be siphoned off and thus the offence of criminal breach of trust and cheating. The applicant was arrested on 11/4/2022 from Punjab.

**4.** Learned APP opposed the application and submitted that the applicant had absconded and he had to be arrested from Punjab. There is recovery of some quantity of the chemical at the instance of the applicant. The co-accused by name Anil is still absconding.

**5.** So far as the present applicant is concerned, the applicant is in custody for more than seventeen months. The investigation is complete. The charge-sheet has been filed. The trial is likely to take a long time to conclude. Further custody will only be by way of a pre-trial punishment. The applicant will face the consequences post-trial if found guilty. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. Considering the contention of

learned APP that the applicant had to be arrested from Punjab, some conditions need to be imposed so that the applicant does not evade facing the trial. In the facts and circumstances, the applicant can be enlarged on bail. Hence, the following order :-

**ORDER**

- (a) The application is allowed.
  
- (b) The applicant- Jagdish Mukhtar Singh in connection with C.R. No.I-91/2022 registered with Shivaji Nagar Police Station, Thane, 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 Shivaji Nagar police station twice a month of every alternate Sunday i.e. on 1<sup>st</sup> and 3<sup>rd</sup> Sunday of every month between 11.00 am and 1.00 pm. commencing November 2023 initially for a period of three months and thereafter once every 1<sup>st</sup> Monday of the month between 11.00 a.m. and 1.00 p.m.
  
- (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 surrender his passport, if any, to the investigating officer.

**6.** The application is disposed of.

**(M. S. KARNIK, J.)**