



Darshan Patil

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

BAIL APPLICATION NO. 1048 OF 2023

SANTOSH RAMLAKHAN SHUKLA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
INTERIM APPLICATION NO. 1510 OF 2023**

TARUN RAJENDRA DAHIYA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. A.M. Sarogi for the Applicant.
Mr. N. B. Patil, APP for the State.
PSI Anjali Wani and PSI Khade, D.N. Nagar Police Station.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 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 Section 420 of the Indian Penal Code registered on 13/10/2022 vide C.R. No.946 of 2022 with D.N. Nagar Police Station.

3. It is noted that an intervener is appearing. Learned counsel for the applicant states that the intervener has been duly served. There was no appearance on behalf of the intervener on the last occasion. Therefore, only by way of indulgence the matter was kept today and today also there is no appearance on behalf of the intervener.

4. The applicant was arrested on 09/12/2022. So far as the informant is concerned, it is the accusation that the applicant has cheated him to the extent of Rs.23 Lakhs. The informant was working in the film industry when he came in contact with the applicant who was also part of the film industry. The applicant had advised the informant to invest money in property which will fetch good returns. Accordingly, the informant from time to time paid money to the applicant for which some returns were paid by the applicant. The first transaction took place sometime in the year June 2017 and then from time to time. The applicant then started defaulting. In the year 2021, to settle the dues of the informant, a cheque of Rs.23 lakhs was issued by the applicant in favour of the informant. The same was

dishonoured. The present offence under aforesaid section came to be registered.

5. Learned APP while opposing the application submits that the offence is serious in nature and apart from the applicant cheating the informant, has also cheated other investors. An amount to the tune of Rs.55 Lakhs is alleged to have been cheated by the applicant which also includes the amount of the informant.

6. The applicant is presently in custody for 9 months without the possibility of a trial concluding any time soon. The investigation is complete and the charge-sheet is filed. In the facts and circumstances of the present case, the applicant can be enlarged on bail by imposing certain conditions. The maximum punishment for the offence is 7 years rigorous imprisonment. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Santosh Ramlakhan Shukla in

connection with C.R. No. 946 of 2022 registered with D.N. Nagar Police Station shall be released on bail on his/her furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 8 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of D.N. Nagar Police Station once in two months, every first Monday of the alternate month, between 11.00 a.m. and 1.00 p.m.

(e) 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.

(f) 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. The interim application is disposed of.

(M. S. KARNIK, J.)