

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

BAIL APPLICATION NO. 1360 OF 2022

Vimal Jadhavji Maluka @ Barot

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Rishi Bhuta a/w. Adv. Ujjwal Gandhi, Adv. Ankita Bamboli, Adv. Saakshi Jha, Adv. Prateek Dutta and Adv. Ome Khwaja for the Applicant.

Mr. S.V.Gavand, APP for the State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 10th AUGUST, 2023.**

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid Applicant, who is facing trial in C.C. No. 1747/PW/2021, pending on the file of the learned Metropolitan Magistrate, 67th Court, Borivali, Mumbai. The said case arises from Crime No. 406 of 2016 registered with Goregaon Police Station, for the offences punishable under Section 409, 419, 465, 467, 468, 420 r/w. 120(B) of the Indian Penal Code.

2. Heard learned Counsel for the Applicant and learned APP for the State. I have perused the records and considered the

submissions advanced by the learned Counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Anil Liladhar Shah. The facts narrated in the FIR prima facie reveal that the co-accused Rahul Gohil had induced the first informant to invest money in Dhanlaxmi Bank on an assurance that he would be getting higher interest rate on the fixed deposit. Accordingly, the complainant and his brother deposited money in the said bank. On 24.11.2014, the first informant was summoned to the Office of the EOW in connection with C.R.No. 69 of 2014, wherein they learnt that fraudulent accounts were opened in the bank in the name of the first informant and his brother, and loan were obtained on the Fixed Deposit made by them.

4. The first information report and the other material on record does not prima facie indicate the involvement of the applicant in this crime. It is seen that the applicant is facing trial in several other crimes. It is stated that he has already been released on bail in the said crimes, investigated by the EOW, CBI as well as by Malad Police Station.

5. The applicant was arrested in this crime on 4.6.2021. It is stated that the charge is not yet framed. The trial is not likely to commence in near future.

6. Considering the above facts and circumstances, as well as the fact that no specific role is attributed to the applicant, in the present crime, in my considered view, this is a fit case to exercise discretion under Section 439 of Cr.P.C. Hence the application is allowed on the following terms and conditions:-

(i) The Applicant who is facing trial in C.C. No. 1747/PW/2021, pending on the file of the learned Metropolitan Magistrate, 67th Court, Borivali, Mumbai, is ordered to be released on bail, furnishing bail bond in the sum of Rs.40,000/- (Rupees Forty Thousand Only) with one or two solvent sureties in the like amount;

(iii) The Applicant shall attend the Goregaon Police Station , once in three months, on the first Monday of the month between 11 a.m. to 2.00 p.m. till framing of the charge;

(iv) The Applicant shall not interfere with the complainant or the other witnesses, or tamper with the evidence in any manner;

(v) The Applicant shall keep the Investigating Officer informed of his permanent as well as temporary address, if any, and his contact details, and/or change of residence or mobile details from time to time.

(ANUJA PRABHUDESSAI, J.)