

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3425 OF 2022

Kishor Dattaram Sarang ... Applicant

V/s.

State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO. 1387 OF 2023

IN

CRIMINAL BAIL APPLICATION NO. 3425 OF 2022

Manohar Gopal Kale ... Applicant

IN THE MATTER BETWEEN:

Kishor Dattaram Sarang ... Applicant

V/s.

State of Maharashtra ... Respondent

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Mr. Meghdeep M. Oak, Advocate for Applicant.

Ms. P. N. Dabholkar, APP for Respondent-State.

Mr. Madhav Kulkani i/b. M.V.Thorat, Advocate for Intervenor in
IA/1387/2023.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12 OCTOBER, 2023

P C:-

1. By this Application, Applicant is seeking bail in C.R.No. 45 of 2022 registered with Dadar Police Station, Mumbai for the offences

punishable under Section 420, 465, 468, 471 read with 34 of Indian Penal Code (for short "IPC").

2. It is the prosecution's case that Applicant had cheated the complainant on the pretext that he will provide him house in MHADA scheme. It is alleged that total fraud is of Rs.35 lakhs.

3. It is contention of learned Counsel for the Applicant that allegations against the Applicant are that he introduced complainant with accused No.1 and thereafter accused No.1 cheated him. It is alleged that there is total fraud of Rs.35 lakhs out of which Applicant got Rs.17,50,000/-. Learned Counsel further submitted that to show his bonafide, Applicant has deposited Rs.2,50,000/- before the M.M.Court, Dadar Mumbai and Applicant has filed his undertaking that he will deposit Rs.2,50,000/- after releasing from jail within two months. Applicant is behind bar more than one year. Hence, requested to allow the Application.

4. Learned Counsel for the intervenor submits that appropriate order be passed.

5. Learned APP submitted that Applicant cheated the complainant. He was instrumental in the said cheating. There is *prima facie* case against the Applicant. Hence, requested to reject the Application.

6. I have heard both the learned Counsel. Perused the FIR and charge-sheet. To show his bonafide, Applicant has deposited Rs.2,50,000/- before M.M.Court, Dadar and he has given undertaking that after releasing from jail he will deposit Rs.2,50,000/- before the Trial Court. Applicant is behind bar more than one year. Investigation is completed and charge-sheet has been filed. Considering the above facts, further detention of the Applicant is not required.

7. In view of the above, I pass following order:

ORDER

- (i) Applicant be enlarged on bail in C.R.No. 45 of 2022 registered with Dadar Police Station, Mumbai, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or

mobile details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(v) If Applicant failed to deposit Rs.2,50,000/- within two months after released from jail, complainant or State can file application for cancellation of bail before the Trial Court.

8. The Application is allowed in the aforesaid terms and is accordingly disposed off.

9. In view of the disposal of Application, Interim Application No.1387 of 2023 also disposed off.

10. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

11. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

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KILAJE

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by SONALI
SATISH KILAJE
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