

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

BAIL APPLICATION NO. 1120 OF 2023

Ramakaran Chhotelal Prajapati ...Applicant

vs.

State of Maharashtra
[At the instance of
Kopri Police Station) ...Respondent

Mr. Jitendra S.Mishra – Advocate for Applicant.
Mr. S.R.Agarkar – APP for Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 30TH JUNE 2023

P. C. :

1. Heard, learned counsel for the applicant and learned APP
Mr.Agarkar for the State. Investigation officer is present.

2. The first informant Suraj Dangra was cheated and he was
looted for an amount of Rs.17,50,000/-. He was given promise that
he can purchase Gold Biscuits weighing ½ Kg. for Rs. 21 Lakhs. First
he contacted one Mr.Bhushan Sawant and one Vishwanath
Nimbalkar and thereafter one Mr.Swami. On the date of incident i.e.
on 24/03/2022 he alongwith accused persons have proceeded to

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Mankole, Thane for the purpose of taking the delivery of Gold Biscuits.

3. In the same transaction he was shown with those biscuits. In that same transaction one Swift Desire Car came there at about 1.55p.m. on the same date and 5 persons got down from that car. They were having mask on their face. They looted the first informant of those Gold biscuits and cash of Rs.17,50,000/-. On this background he lodged the complaint with Kopari Police Station on 24/03/2023. After investigation police filed chargesheet for the offences punishable under Section 395, 394,392, 124, 171,r/w.120B and 34 IPC.

4. The allegations against the present applicant is that in all in this transaction several persons were involved and the present applicant is described as one Rakeshbhai resident of Nashik, having mobile No.9892850820. He played a part of introducing other accused persons so as to facilitate smooth transaction. During the investigation his brother Ramsharan Prajapati has produced Rs.1.50Lakhs on 08/09/2022. It had come to the share of the

applicant from the looted amount that was seized from him.

5. Learned APP pointed out to me the personal search and seizure panchanama of one Ramkaran Prajapati of mobile handsets and one Pan Card in the name of Anand Mishra but photograph of the Ramkaran Prajapati was attached on the said Pan Card. For that forged Pan Card there is no separate FIR before the Court.

6. This applicant has withdrawn his earlier BA No.383/23 and approached before the trial Court for grant of bail. However it was rejected on 04/03/2023. The Court of Sessions Judge Thane on 21/10/2022 was pleased to release the accused Saud Alam on bail. There roles are similar. He has produced Rs.30,000/- before the Police.

7. Learned APP does not dispute that the roles are similar. In view of the above the applicant deserves to be released on bail. Hence, order :-

O R D E R

- (i) Application is allowed.
 - (ii) Applicant Ramakant Chhotelal Prajapati be released on bail in connection with C.R. No. 57 of 2022 registered with Kopri Police Station for the offences punishable under Sections 395, 394, 392, 124, 171, r/w.120B and 34 IPC on furnishing personal bond and surety bond of Rs.50,000/- .
 - (iii) Applicant should not tamper with the prosecution witnesses.
 - (iv) Applicant is directed to attend hearing in trial Court punctually.
 - (v) Applicant to furnish the affidavit of his relative describing his address at Gorakhpur so also his present address at Meera Bhyander.
 - (vi) Let him produce surety who is having address of Thane District.
 - (vii) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after notice.
5. These are my prima facie observations. Let the learned trial Court need not be influenced by them.
6. Application is disposed of in the aforesaid terms.
7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]