



PMB

2 BA 737-2023.doc

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

BAIL APPLICATION NO.737 OF 2023

SACHIN KRISHNA BHOSALE	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

**WITH
INTERIM APPLICATION NO.1702 OF 2023
IN
BAIL APPLICATION NO.737 OF 2023**

SOMNATH SHRIPATRAO DHUMAL	..APPLICANT
<u>IN THE MATTER BETWEEN</u>	
SACHIN KRISHNA BHOSALE	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Sandeep Karnik for the Applicant.
Mr. V. S. Talkute for intervener.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 23, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned counsel for intervener and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 420 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered vide C.R.

No.29 of 2022 with Kamothe Police Station.

3. The applicant is the accused no.1. The applicant was arrested on 27.07.2022. The applicant for the aforesaid offence is in custody for more than a year. The investigation is complete and the charge-sheet has been filed. The trial is not likely to commence and conclude any time soon. There are no criminal antecedents reported against the applicant.

4. The informant alleged that in January 2013 he was in search of residential house in Navi Mumbai. The informant met the applicant and his wife who are the Directors of M/s. One Earth Infrastructure Limited. The applicant projected that he is in construction business and developing the land. The informant agreed to purchase flat No.302 in property that the applicant was developing. Part consideration of Rs.3,76,000/- was paid. The CIDCO demolished the said construction on 06.09.2015. The applicant promised the informant that he will be given flat in some other project. The informant by then had paid a sum of Rs.23,76,000/-. There were other victims who had purchased flats and total amount involved in the transaction was Rs.82,80,047/-.

5. Learned counsel for the applicant submitted that the applicant is innocent as it was on the basis of the forged document submitted by the Architect Akhtar to CIDCO based on which the CIDCO demolished the entire land. The applicant suffered loss of Rs.3,49,60,340/-. Learned counsel for the applicant submitted that by letter dated 17.02.2016 of the CBD Police Station to Joint Commissioner of Police, Navi Mumbai it is recorded that the applicant was wrongly implicated in the present case and one Mr. Akhtar who was the Architect who had forged the documents. The letter also mentions about the present applicant having suffered a loss of Rs.3,49,60,340/-. Learned counsel for the applicant submitted that there was no malafide intention right from the beginning of the present applicant to cheat the informant or other person in the present case.

6. The applicant has settled the matter with some other flat purchasers. To show his bonafides, the applicant file an affidavit-cum-undertaking of his father on the instructions of the applicant which is taken on record and marked as Exhibit 'X' for identification. In the said affidavit it is stated

that the applicant is willing to furnish security of 5 acres of land. The value of which is Rs.1,50,00,000/-. The applicant's father has undertaken that no third party rights will be created in respect of the said land.

7. Learned counsel for the applicant submitted that even the applicant after being released on bail would furnish such an undertaking within a period of 15 days from the date of his release. The statement is accepted. Needless to mention that such affidavit is without prejudice to the rights and contentions and does not amount to admission of any guilt. All contentions are kept open.

8. The applicant is in custody almost for one year. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk.

9. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant–Sachin Krishna Bhosale in connection with C.R. No.29 of 2022 registered with Kamothe Police Station shall be released on bail on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount.

(c) The applicant be released on provisional cash bail of Rs.50,000/- for a period of six weeks from today.

(d) The applicant to report to the Kamothe Police Station once in a month every first Monday of the 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.

(g) The applicant to file the undertaking before this Court.

(h) The applicant shall attend the trial regularly.

10. The application is disposed of.

11. Interim application is also disposed of.

(M. S. KARNIK, J.)