



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

BAIL APPLICATION NO. 2048 OF 2023

ROHIT RAJKUMAR CHAUDHARY ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Sachin B. Chandan i/b Chate and Associates for the
Applicant.

Ms. Veera Shinde, APP for the State.

PSI Ravindra Jedhe, Govandi Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 09, 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 Sections 381, 408 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 03/06/2021 vide C.R. No.272 of 2021 with Govandi Police Station, Mumbai.
- 3.** The applicant is accused No.1. It is the case of the prosecution that the applicant was working as Senior

Human Resource Manager of the complainant company. It is alleged that the applicant misappropriated some funds of the complainant company by giving names of various persons to show that they had done work for the company and the money paid in the bank accounts of those persons was used for the benefit of the applicant. The amount involved is to the tune of Rs.1,56,00,000/-

4. Learned APP opposed the application and submitted that the alleged amount is huge and therefore, unless and until some security is provided the applicant should not be enlarged on bail.

5. The applicant was arrested on 16/06/2021 and is now in custody for more than 2 years and 4 months as an undertrial. To show the bonafides of the applicant the advocate on record of the applicant, on instructions of the applicant, tendered an affidavit-cum-undertaking which reads thus:-

"I, Rohit Rajkumar Chaudhary, Age: 37 Years, Occ: Service, Residing at: A-204, Building No. 2, Kartikey Park, 12 A, 7/2,AB Malewadi, New Panvel. Navi Mumbai, do hereby state on solemn affirmation as under:-

1. I say that, I am filing Affidavit before this Hon'ble

Court in above Bail Application before this Hon'ble Court disclosing property bearing flat no. 604, 6th floor Alpa home building 2 C, situated at Surve No. 1424 Wagholi Lohgaon road Wagholi, Pune. I say that, I voluntarily undertake before this Hon'ble Court above said property will not disposed till the conclusion of trial and or without prior permission of the Hon'ble court.

2. I say that, I undertake to deposit 5 Lakhs within 4 months Before this Hon'ble Court for showing my bonafide after released on bail.

Whatever stated hereinabove is true to my knowledge, which I believe to be true and correct for which I sign herein under."

The affidavit is taken on record and marked 'X' for identification.

6. Learned counsel for the applicant submitted that within 2 weeks of the release of the applicant on bail, the applicant will file an affidavit confirming what is stated in the affidavit-cum-undertaking filed today. Instead of depositing the amount of Rs.5,00,000/- in this Court, as mentioned in clause (2) of the said affidavit, the amount of Rs.5,00,000/- will be deposited in the trial Court subject to orders that may be passed by the trial Court in that regard. Statements made in the affidavit-cum-undertaking are accepted as an undertaking to this Court.

7. The investigation is complete and the charge-sheet has been filed. Further custody will only be by way of pre-trial punishment. The applicant will face the consequences post-trial if he is found guilty. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Rohit Rajkumar Chaudhary in connection with C.R. No.272 of 2021 registered with Govandi Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Govandi 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 shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall abide by the affidavit-cum-undertaking which is presently signed by the advocate on record of the applicant.

(i) The applicant shall file an affidavit in view of the statements made hereinabove, within a period of 2 weeks from the date of his release on bail.

(j) The applicant shall surrender his passport, if any, to the investigating officer.

(k) The applicant shall not leave India without permission of the trial Court.

8. The application is disposed of.

(M. S. KARNIK, J.)