

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

BAIL APPLICATION NO. 2682 OF 2022

Shashikant Lalchand Vishwakarma ..Applicant
VS.
The State of Maharashtra ..Respondent

**WITH
BAIL APPLICATION NO. 2445 OF 2022**

Hemal Jagdish Mehta ..Applicant
VS.
The State of Maharashtra ..Respondent

Adv. R.N.H. Jabali for the Applicant in BA No. 2682 of 2022.

Adv. Waqar Pathan for the Applicant in BA No. 2445 of 2022.

Mr. S. H. Yadav, APP for the State.

P.M. Rasam, PSI, Malad Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 13, 2023

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.

2. This is an application for bail by the applicants- Shashikant Lalchand Vishwakarma and Hemal Jagdish Mehta in connection with C.R. No.24 of 2022 dated 24/01/2022, registered with Malad Police Station, under sections 420, 406, 465, 468, 471 and 34 of the Indian Penal Code, 1860.

3. The applicants are arrested on 11/02/2022 and are now in custody for 1 year. The allegation against the applicants is that they agreed to purchase PUC pipes from the complainant and some amount was deposited towards said purchase. Despite the supply of the pipes, the complainant alleged that the applicants failed to pay the balance amount of Rs. 10,49,291/-.

4. So far as the applicant Shashikant Lalchand Vishwakarma is concerned, learned counsel for the applicant submits that a demand draft, payable in the name of the Registrar, High Court, of Rs.3,00,000/- is ready with him. He further submits that the amount will be deposited within 2 days. The statement is accepted. It is further submitted that an amount of Rs.2,00,000/- will be deposited with the trial Court within a period of 3 weeks from the date of release of the applicant. The statement is accepted.

5. So far as the applicant Hemal Jagdish Mehta is concerned, his mother is present in the Court today. On instructions, learned counsel for the applicant submits that Rs.2,00,000/- will be deposited within a period of 4 weeks and the balance amount will be deposited within a further

period of 8 weeks from the date of his release, with the trial Court. The statement is accepted. The amount of Rs.3,00,000/- which shall be deposited with this Court be transferred to the Borivali Magistrate Court (24th Metropolitan Magistrate Court). Receipts of the amount are to be placed before the Investigating Officer.

6. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents are reported against the applicants. As the trial Court is likely to take a long time to conclude the trial, the applicants can be enlarged on bail, in view of the aforesaid observations and submissions.

ORDER

(a) Applicants- Shashikant Lalchand Vishwakarma and Hemal Jagdish Mehta in connection with C.R. No.24 of 2022, registered with Malad Police Station, shall be released on bail, on his furnishing P.R. Bond of Rs.25,000/- each with one or more sureties in the like amount;

(b) The applicants are permitted to furnish temporary cash bail surety in the sum of Rs.25,000/- each for a period of 6 weeks in lieu of

surety;

(c) The applicants 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;

(d) The applicants shall report to the concerned police station as and when required;

(e) The applicants shall attend the trial Court regularly;

(f) The applicants to abide by the statements reflected in this order;

(g) On being released on bail, the applicants shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

7. The applications are disposed of.

(M. S. KARNIK, J.)