

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

CRIMINAL BAIL APPLICATION NO. 3259 OF 2022

Sandeep Jhumberlal Pokharna	...Petitioner
Versus	
The State Of Maharashtra And Anr	...Respondents

Mr. Sanjeev Kadam a/w. Pratil Wakade i/b. Mr. Akshay A. Deshmukh for the Applicant.

Ms. M. H. Mhatre, APP for the State.

Mr. Sudhir Patil- Investigating Officer EOW, Thane City.

**CORAM: RAJESH S. PATIL, J
VACATION COURT**

DATED: 9th May, 2023

PC:-

1. This is a Criminal Bail Application filed by the Applicant pursuant to the rejection of Bail Application by the Lower Court on 21st October 2022 (Second Bail Application after filing of the charge-sheet).

2. The First Information Report was filed on 18th February 2010 under Section 420, 406, 409 of the Indian Penal Code ('IPC') read with Section 4(A), 58(B) of Reserve Bank of India Act, 1934, read with Section 2 (C), 3, 4, 6 of Price and Cheat Fund Money Circulation Scheme (Banning) Act 1978 and Section 3 and 4 of MPID Act, 1999. The date of the incident is September 2008 to November 2009 the first informant is lady namely Nish Rakesh Gupta.

3. In the F.I.R it is noted that the person who floated scheme and received money from the various investors and given products to the complainant but commission was not paid.

4. According to the applicant complainant herself was commission agent but who had received the commission of approximately Rs. 25,000/- but she could not receive the commission of Rs. 70,000/ hence the complaint. After filing of this F.I.R. another F.I.R was also filed against the Applicant at Panvel which also arise from the similar kind of scheme. The learned Advocate for the Applicant states that

applicant had released on bail by the Lower Court in the said F.I.R. at Panvel.

5. The learned APP for the Respondent states that suffice would be the purpose if the amount of Rs. 5,00,000/- is deposited in this Hon'ble Court.

6. The learned APP states that the applicant is in Jail from 25th April 2022 and interrogation of the Applicant is completed and charge-sheet has already been filed. Taking into consideration the over all situation and particularly since charge sheet has already been filed. I think this is a fit case where custodial interrogation of the applicant is not necessary. Hence, the Application is allowed on the following terms and conditions:-

(i) The Applicant be released on bail in Crime No. 85 of 2010 registered with Mahatma Phule Chowk Police Station, Thane and which is investigated by EOW. Thane which is has now been registered as (MPID-Special Case No. 192/2022 Thane) pending in the Special Court, Thane.

(ii) The Applicant be released on bail on furnishing PR bond of Rs.25,000/- (Rupees Twenty five Thousand Only) with one or two sureties in the like amount;

(iii) After being released on bail the Applicant to deposit a sum of Rs. 5,00,000/- within a period of four weeks with the Trial Court. In case, non compliance of this condition the bail granted to the Applicant will stand automatically cancelled and the police should accordingly act.

(iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(v) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(RAJESH S. PATIL,J.)