IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3165 OF 2022

Yashwant Tejbahadur Singh ....Applicant

Versus

The State of Maharashtra and Anr ...Respondents

Adv. K. H. Giri a/w Dhinika Shah and Pratik Yadav a/w Mr. S.M. Pandey , Advocate for the Applicant.
Mr. Y. Y. Dbake, APP for Respondent-State.
API- Chandrakant Gharge, Dindoshi Police Station, Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th SEPTEMBER, 2023.

P.C. :

1. By this Application, the Applicant is seeking bail in Crime No.157 of 2022 registered with Dindoshi Police Station, Mumbai, for the offences punishable under Sections 406, 420, 120 (b), read with 34 of Indian Penal Code ("IPC", for short).

2. It is prosecution's case that,complaint has been cheated by the co-accused on the pretext of sending amount to his relative at Assam. It is alleged that Applicant was part of group of co-accused and he has

received his share of Rs. 12,00,000/- (Rupees Twelve Lac Only), out of the amount of complainant.

3. It is contention of learned counsel for Applicant that, in the complaint there is no reference of the Applicant having ever met the complainant. So Section 420 of Indian Penal Code cannot be applied against the Applicant as he never cheated the complainant. Applicant has been falsely implicated in this case. Investigation is completed and charge-sheet has been filed. Learned counsel further submitted that co-accused Amol Kamble and Eqbal Shaikh have been released on bail by trial Court. Hence, he requested to allow the Application.

4. Learned APP submitted that, Applicant was a part of group who cheated the complainant. Accused No.1 and other co-accused contacted the complainant and took the amount of Rs.2,00,00,000/ (Two Crores Only) from him under the pretext to send it to Anil Aggarwal but the said amount was not sent to Anil Aggarwal and it was siphoned off by accused No.1 and other co-accused including the Applicant and the said amount was distributed amongst them. The Applicant had received his share and the said share amount of Rs. 12,00,000/- (Rupees Twelve Lac Only) is recovered at the instance of the Applicant. It shows his involvement in the crime. If Applicant is

released on bail he may abscond. Hence, requested to reject the Application.

5. I have both learned counsel. Perused FIR and charge-sheet.

6. The allegations against Applicant is that Applicant was the part of group who cheated the complainant and Rs. 12,00,000/- (Rupees Twelve Lac Only) is recovered at the instance of Applicant. In the FIR, the complainant has given the role of accused No.7 and other accused specifically but he has not mentioned the name of the Applicant. The Applicant is behind bar for more than 17 months. Investigation is completed charge-sheet has been filed. Some co-accused has been released on bail. Considering the above facts, his further detention is not required.

7. In view of above, I pass following order.

ORDER

(i) The Applicant be released on bail in Crime No. 157 of 2022 registered with Dindoshi Police Station, Mumbai, on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.

(ii) After his release from jail, Applicant shall attend the Dindoshi Police Station, Mumbai , once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) Application is allowed in the aforesaid terms and accordingly disposed off.

(SHIVKUMAR DIGE, J.)