

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3056 OF 2022

Sandip Subhash Arbune (Mohite)

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Nilesh Wable along with Ms. Stefy Dias i/b. Mr. Umesh R. Mankapure, Advocate for the Applicant.

Ms. Anamika Malhotra, APP for Respondent-State.

Mr. Sachin Katmne, PI, along with Mr. Girish Patil, PC, Nalasopara Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No.320 of 2019 registered with Nalasopara Police Station for offences punishable under Sections 406, 409 and 420 read 34 of Indian Penal Code, 1860 and Section 3 of Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. It is contention of learned counsel for applicant that co-accused – Sudhir Mhote has been released on bail by this Court.

Role attributed to the applicant is lesser than to the one attributed to co-accused – Sudhir Mohite. Hence, he is entitled for bail on principle of parity.

3. Learned APP, on instructions, fairly submitted that applicant is entitled for bail on parity.

4. I have heard both learned counsel, perused the FIR and charge-sheet. It is alleged that applicant is the Director of Rayat Agro India Private Limited Company and it is alleged that accused No.1- Sudhir Mohite and other co-accused had executed agreement with complainant and cheated him. Accused No.1 is released on bail by this Court (Coram : S. M. Modak, J.) by order dated 21st April 2023. Considering these facts, applicant is entitled for bail on principle of parity.

5. Considering the above facts, I pass following order :

ORDER

- (i) Applicant be enlarged on bail in Crime No.320 of 2019 registered with Nalasopara Police Station, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
 - (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
 - (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
6. The application is allowed in the aforesaid terms and is accordingly disposed off.
7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

This order is corrected pursuant to the order dated 11th October 2023.