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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3293 OF 2022**

Sushila Ramesh Desaware

...Applicant

vs.

State of Maharashtra

...Respondent

Mr. Priyotosh Tiwari i/b Mr. A. M. Saraogi for the Applicant.

Mr. Y. Y. Dabke APP for the Respondent-State.

Mr. A. A. Shah, API, presently posted at Azad maidan police station present.

CORAM : S. M. MODAK, J.

DATED : 18TH APRIL 2023

P. C. :

1. I have already heard learned Advocate for the Applicant and learned APP for the Respondent-State on the last occasion. Today, also I have heard them.

2. The sum and substance of allegations is that present Applicant assured jobs to various candidates in railway. On some occasions the Applicant has directly accepted the amount either by way of cash or RTGS, and on some occasions she has accepted the amount through the first informant-Jagdish Chaudhary. In spite of assurance, jobs were not given, whereas the investigating agency comes with a case that forged appointment letters are given from railway Authority.

They were found to be forged one. That is to say not all at issued by the concerned railway Authority. Those candidates have followed up with the first informant – Jagdish Chaudhary as well as present Applicant.

3. As the issue could not be resolved, it is Jagdish Chaudhary who has approached the Shivaji Nagar police station, Ambarnath, and FIR being C.R. No.150 of 2022, was registered for the offence punishable under sections 420, 465, 468, 471 of IPC. I have read the FIR.

4. During investigation, involvement of the Applicant and his son Yogesh Desaware was confirmed. However, Yogesh expired on 25th March 2021. The charge-sheet is filed for the said offence.

5. The Applicant is behind bar since 20th August 2022. During arguments, learned Advocate for the Applicant refuted all the contentions taken by the first informant and other witnesses particularly about payment of money, either in cash or other manner. That's why I have asked learned Advocate for the Applicant to prepare a chart on the basis of particulars given by the first informant and the witnesses. He has taken pains in preparing the chart, marked as Annexure "X". However, learned APP, after taking

instructions, has also prepared one chart. The earlier chart was not correct and hence today chart submitted is taken on record and marked as Annexure “Y”.

6. Both the sides tried to argue how the amounts shown in the charts are correct. It is not the job of this Court to verify each and every minute details that is to say who has paid, how much and in what manner and what is the stand of other side. After making submissions learned Advocate for the Applicant submitted that he is having instructions to deposit Rs.5,00,000/- before the trial Court and he went on to an extent of submitting that his client even will not claim back that amount.

7. It is true that the charge-sheet is filed. One does not know when the trial will commence. She is a lady aged about 70 years. I think that no purpose will be served by detaining her in jail. So she is entitled to be released on bail. Hence, the following order is passed :

O R D E R

(a) The Applicant-Sushila Ramesh Desaware be released on bail on furnishing personal bond and surety bond of Rs.25,000/- in connection with C.R. No.150 of 2022, registered with Shivaji

Nagar police station for the offence punishable under sections 420, 465, 468, 471 of IPC.

- (b) The Applicant shall not threaten the prosecution witnesses or allure them in any manner.
 - (c) The willingness shown by learned Advocate Mr.Priytosh Tiwari for the Applicant to deposit Rs.5,00,000/- is recorded. Let the Applicant deposit Rs.5,00,000/- prior to release on bail before the trial Court.
 - (d) The trial Court is at liberty to decide about the amount after hearing both the sides. Let be ensured that the amount is deposited prior to furnishing bail.
 - (e) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail, after notice to the Applicant.
8. Application is disposed of accordingly.
9. These are my prima facie observations and the trial Court may not be influenced by that.
10. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]