

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3386 OF 2022**

Ashish Kumar @ Shekhar Jagdishprasad
Singh
VS.

..Applicant

The State of Maharashtra and anr.

..Respondents

Adv. Sureshkumar J. Panicker i/b. Panicker and Associates
for the Applicant.

Ms. A. A. Takalkar, APP for the State.

PSI D. S. Kokate, Tulinj Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 30, 2023

P.C. :

1. Mentioned out of turn.
2. Heard learned counsel for the applicant and learned APP for the State.
3. This is an application for bail by the applicant-Ashish Kumar @ Shekhar Jagdishprasad Singh in connection with C.R. No.201 of 2022 dated 25/03/2022 registered with Tulinj Police Station for the offence punishable under Sections 420 read with Section 34 of the Indian Penal Code, 1860 (hereafter "the IPC", for short) and under Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999

(hereafter 'the MPID Act' for short)

4. The allegation is that the applicant had taken some amounts from the informant and the investors towards purchase of room in the project that was to be constructed by the applicant. The applicant failed to keep his promise. The amount which has been mentioned in the charge-sheet deposited by the investors with the applicant is Rs.28,43,380/-.

5. Learned counsel for the applicant submitted that the applicant is willing to deposit the amount within a period of three weeks from today without prejudice to the rights and contentions. The amount to be deposited with the jurisdictional Magistrate. The statement is accepted as an undertaking to this Court. The charge-sheet is already filed on 18/08/2022. The investigation is complete. Considering the statement made by the applicant, further custody of the applicant is not necessary since the trial will take a long time to conclude.

6. Having regard to the nature of the accusations, the applicant can be released on bail. There is one criminal

antecedents reported against the applicant in respect of C.R. No.213 of 2021 registered with Nalasopara Police Station under Sections 420 and 406 of the IPC. The applicant has been released on bail in respect of the said offence. In my opinion, having regard to the statement made by the applicant, the applicant should not be deprived the facility of the bail only on the ground that there is one criminal antecedent pending against him.

7. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicant-Ashish Kumar @ Shekhar Jagdishprasad Singh shall be released on bail in connection with C.R. No.201 of 2022 registered with Tulinj Police Station, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant 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.

(e) The applicant shall attend the concerned Police Station once once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m.

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

(g) The applicant to abide by the statement made.

8. The Bail Application is disposed of.

(M. S. KARNIK, J.)