



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

BAIL APPLICATION NO. 3943 OF 2022

Bhumesh Rasiklal Shaha

..Applicant

v/s.

Sr. Inspector of Police,
Malad Police Stn. & Anr.

..Respondents

Mr. Rizwan Merchant a/w. Swapnil Wagh for the Applicant.
Mr. S.V.Gavand, APP for the State.
PSI C. D. Dalvi from Malad Police Stn.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 18th AUGUST, 2023.**

P.C.

1. The Applicant is facing trial in Case No. 2684/PW/2021 pending on the file of the Addl. Chief Metropolitan Magistrate's 24th Court, Borivali, Mumbai. The said case arises from Crime No. 109 of 2021 registered with Malad Police Station, Mumbai for offences punishable under Sections 403, 405, 464, 468, 471, 420, 120(B) of the Indian Penal Code.

2. Heard learned Counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the

respective parties.

3. The first information report prima facie reveals that in the month of July 2018, the co-accused Irshad Pathan and Imran Pathan had availed loan of Rs.1,56,00,000/- from ICICI Bank to purchase 10 sleeper coach buses of Ashok Leyland. They had repaid total amount of Rs.46,00,000/-, and subsequently stopped paying the monthly installments. The inquiry revealed that the Ashok Leyland had not supplied the vehicles with the chasis numbers given by the co-accused. The accused had induced the bank in granting loan on the basis of fabricated documents and fake chasis numbers. Hence crime came to be registered against the co-accused Irshad and Imran Pathan. In the course of investigation it was revealed that the applicant had provided to the co-accused smart cards of 10 vehicles, based on which the co-accused had got the chasis numbers engraved on the old chasis, which were shown to the bank for the purpose of availing loan.

4. There is no prima facie material to show that the applicant herein was a beneficiary of the fraudulent transaction. The records reveal that the co-accused Irshad Pathan and Imran Pathan, who are

involved in availing the loan, have been released on bail. The main accused having been released on bail, the applicant is also entitled for bail on the ground of parity. It is stated that the applicant is in custody since 22.08.2021. Charge is not yet framed. Considering the large pendency, there is no possibility of the trial being concluded within a reasonable time. Considering the above facts and circumstances, the applicant is entitled for bail. Hence the order:-

- (i) The Applicant who is facing trial in Case No. 2684/PW/2021 pending on the file of the Addl. Chief Metropolitan Magistrate's 24th Court, Borivali, Mumbai, is ordered to be released on provisional cash bail in the sum of Rs.40,000/- (Rupees FortyThousand Only) for a period of four weeks;
- (ii) The applicant shall within the period of four weeks furnish bail bond in the sum of Rs.40,000/- (Rupees FortyThousand Only) with one or two solvent sureties in the like amount;
- (iii) The Applicant shall appear before the Investigating Officer once in three months, on the first Monday of the month, till framing of the charge.

(iii) The Applicant shall appear before the trial court on each and every date of hearing, unless exempted;

(iv) The Applicant shall not interfere with the complainant or the other witnesses, or tamper with the evidence in any manner;

(v) The Applicant shall keep the Investigating Officer informed of his permanent as well as temporary address, if any, and his contact details, and/or change of residence or mobile details from time to time.

. Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)