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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4134 OF 2023**

ANUJ MOHANLAL SHUKLA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Ashok Kumar Dubey a/w Adv. Anil Pandey i/b. SAVJ
Law Solutions for the applicant.

Mr. P. H. Gaikwad, APP for the State.

PSI – Rajaram Ambadas Gahile, Arnala Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 22, 2023

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 420, 406, 506, 34 of the Indian
Penal Code (hereafter 'IPC' for short) registered on
07.12.2022 vide C.R. No.I-382 of 2022 with Arnala Police
Station.

3. The applicant is the accused No.3. The applicant was
arrested on 04.03.2023. The complainant was in search of a
flat. The accused promised her that they will help her in
purchasing a flat and accordingly asked her to transfer

substantial sums of money in different bank accounts. The complainant transferred a sum of Rs.37,50,000/- in different bank accounts as informed by the accused. So far as the applicant is concerned he projected himself to be Aditya Jha, a fake name used by him. It is alleged by the complainant that Rs.7 lakhs was paid to the said Aditya Jha that is the applicant.

4. Learned APP opposed the application for bail contending that the offence is serious. Learned APP submitted that the applicant has in a very dubious manner cheated the complainant who is 78 years old lady. It is further submitted that there is one criminal antecedent reported against the applicant.

5. Learned counsel for the applicant on instructions of the applicant as well as the applicant's father – Mohanlal Shukla, who is personally present in the court makes a voluntary statement that the applicant to show his bonafides will deposit Rs.7 lakhs in the trial Court within a period of four months from today. Out of this amount of Rs.7 lakhs, a statement is made on instructions that an

amount of Rs.2 lakhs will be deposited within 15 days after the release of the applicant. This is confirmed by the applicant's father who is personally present in the Court. The amount so deposited may be invested by the trial Court in the nationalised bank which shall abide by the further orders of the trial Court.

6. The applicant was arrested on 04.03.2023 and is now in custody for more than nine months. The investigation is complete and the charge-sheet has been filed. In the facts and circumstances of the present case though learned APP opposed the application for bail, in my opinion any further incarceration will only be by way of a pre-trial punishment. The applicant will face the consequences of trial if found guilty. The maximum punishment for the offence is seven years. The applicant can be enlarged on bail. The criminal antecedent need not be a factor by itself to deprive the applicant the facility of bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Anuj Mohanlal Shukla in connection with C.R. No.I-382 of 2022 registered with Arnala Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs.50,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Arnala Police Station once in three months every first Monday of the concerned month between 11.00 a.m. and 1.00 p.m. commencing January 2024.

(e) 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.

(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 shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant to abide by the statements made hereinabove. Within a period of two weeks from the date of his release the applicant to file an affidavit in this Court confirming the statements which have been recorded on his behalf in this order.

7. The application is disposed of.

(M. S. KARNIK, J.)