

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.347 OF 2024

**VISHAL
SUBHASH
PAREKAR**

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Subramaniam Ramkrushna Ayyar @
Aman Ramchandra Ayyar

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Tapan Tatthe a/w. Mr. Zahir Mulla i/b. M.S. Mulla, for the
Applicant.

Mr. S.R. Agarkar, APP, for the Respondent/State.

Ms. Monali Kumbhar, PSI, N.M. Joshi Marg police station.

CORAM : N. J. JAMADAR, J.

DATE : MARCH 12, 2024

P.C.:

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

2. The applicant who is arraigned in C.R. No. 619 of 2021
registered with N.M. Joshi Marg police station for the offences
punishable under sections 420, 465, 468 and 471 of Indian Penal
Code, 1860 and section 66(d) of Information Technology Act, 2000
seeks to be enlarged on bail.

3. The gravamen of indictment against the applicant is that on
3rd December, 2021 at Sparkle Gold Retail Venture LLP, Phoenix
Mall, Parel, Mumbai the applicant made a farce of payment of the
price of the gold chain on PhonePe App by showing a false
screenshot and thereby induced the first informant to deliver the
gold chain, then valued at Rs. 86,974/-. It later on transpired that

the amount which the applicant falsely showed to have paid through PhonePe was, in fact, not credited to the account of the first informant.

4. The learned counsel for the applicant submitted that the applicant is in custody since 10th February, 2022. Having regard to the value of the property in respect of which the alleged offence has been committed and the period of incarceration, the applicant be enlarged on bail.

5. The learned APP resisted the prayer for bail. It was submitted that the applicant is a resident of Jharkhand and he was involved in a similar offence. If the applicant is enlarged on bail, he will not be available for trial.

6. I have perused the report filed under section 173 of the Code and the documents annexed with it. Primarily, the offence punishable under section 420 of the Penal Code can be said to have been, prima facie, made out. The said offence entails punishment which may extend to seven years. The applicant has been in custody for more than two years. Trial will take considerable time as one of the co-accused is stated to be absconding. Having regard to the value of the property of which the first informant was allegedly defrauded and the period of incarceration, I am inclined to exercise the discretion in favour of the applicant.

Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] The applicant be released on bail in C.R. No.619 of 2021 registered with N.M. Joshi Marg police station, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount.
- 3] The applicant shall mark his presence at N.M. Joshi Marg police station on the first Monday of every alternate month between 11 am to 1 pm for a period of three years or till conclusion of the trial whichever is earlier.
- 4] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.
- 5] 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.
- 6] The applicant shall regularly attend the proceedings before the jurisdictional Court.
- 7] By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose

of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N. J. JAMADAR, J.)