IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 496 OF 2024

SHARAD AMRITLAL ROCHLANI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr.Sachin Pawar, for the applicant.
Mr. S. H. Yadav, APP for the State.
PSI- Sayaji Mohite, Kashimira Traffic Branch present.

CORAM : M. S. KARNIK, J.

DATE : MARCH 15, 2024

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, 120B, 465, 467, 468, 471 read with 34 of the Indian Penal Code, 1860 registered on 30/03/2023 vide C.R. No.122 of 2023 with Arnala Sagari police station. The applicant was arrested on 07/04/2023.

3. It is alleged by the complainant that in the year 2015, the complainant's husband was not keeping well. She was in need of money. She met Rajnish Das who told her that he would help to get the loan at the rate of 2%. The said Rajnish Das came to her house and asked for signatures on some documents. Basically, it is the allegation that in the year 2015, the accused got executed mortgage deed of her bunglow fraudulently. It is alleged that the complainant did not realise that she and her husband are signing the mortgage deed of the bunglow. In 2017, some employees of the bank came to take photographs of the house. The complainant threatened to call the police and hence, they left. Thereafter there was no communication from the bank. On 11/10/2022, she received a notice dated 19/07/2022 from Tahsildar office regarding attachment of the property. At that time, the complainant came to know that the house was mortgaged in connection of loan of Rs. 2 crores which the bank claims that she and her husband stood guarantors for. Thereafter the complainant obtained copies of the loan transaction wherein the complainant and her husband were shown as guarantors. It is alleged that the documents supplied by her in good faith to Rajnish Das were misused in getting mortgage deed registered on the basis of which the loan was obtained indicating that the complainant and her husband are guarantors.

4. So far as the applicant is concerned, it is alleged that out of an amount of Rs.2 crores, Rs.75 lakhs was transferred in his account and remaining amount of Rs. 64,00,000/- was transferred in the account of Manohar Sukhwani.

5. Learned APP opposed the application and submitted that the applicant is the mastermind. It is submitted that there are 2 similar offences registered against the applicant, one is vide C.R. No. 180 of 2018 with Mahim police station and other is C.R. No. 321 of 2018 with Vasai police station. Learned APP submitted that the applicant will indulge in similar type of offence by using similar modus operandi if enlarged on bail.

6. Prima facie, documents on record reveals that the mortgage deed is signed by the complainant and her husband. Whether the signatures are obtained fraudulently is the subject matter of the trial. The applicant was arrested on 07/04/2023. All documents are in custody of the prosecution. He is in custody for almost 11 months. The applicant does not appear to be a flight risk. No doubt there are criminal antecedents reported against the applicant which in my opinion by itself should not be a reason to deprive the applicant the facility of bail. The applicant can be enlarged on bail by imposing stringent conditions. The investigation is complete. The charge-sheet is filed. The trial is not likely to conclude soon. Hence, the following order :-

O R D E R

(a) The application is allowed.

(b) The applicant- Sharad Amritlal Rochlani in connection with C.R. No.122 of 2023 registered with Arnala Sagari police station shall be released on bail on his furnishing P.R. Bond of Rs. 1,00,000/- with one or more local sureties in the like amount.

(c) The applicant shall not leave Maharashtra State without leave of the trial Court.

(d) The applicant shall attend the investigating officer of Arnala Sagari police station once in a week i.e. every Monday between 11.00 a.m. and 01.00 p.m.

(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) It is made clear that if the applicant indulges in the similar type of offence in future, the same shall afford a ground to the prosecution to apply for cancellation of bail.

7. The application is disposed of.

(M. S. KARNIK, J.)