

Sayali Upasani

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

BAIL APPLICATION NO. 650 OF 2024

Raju Devidas Manglani

...Applicant

**SAYALI
DEEPAK
UPASANI**

Vs.

The State of Maharashtra

...Respondent

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SAYALI DEEPAK
UPASANI

Date: 2024.02.23
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Mr. Niranjan Mundargi i/b Mr. V. Deshmukh, for Applicant.

Mr.R. D. Humane, APP for State.

Mr. Icham Shrivastava with Ravleen S., for Intervener.

Mr. Vinod Ramesh Patil, PSI, Matunga Police Station,
Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 21st FEBRUARY, 2024.

PC:-

1) Heard the learned Counsel for the applicant, the learned APP for State and the learned Counsel for the first informant.

2) This application is preferred for bail in connection with CR No. 421 of 2023 registered with Matunga Police Station for the offences punishable under Sections 120-B, 406, 420, 468, 471 and 506 (2) of the Indian Penal Code, 1860.

3) The gravamen of indictment against the applicant is that the applicant and the co-accused Ali Raza Shaikh had induced the first informant to part with huge amount by making a false representation that they would get the prosecution initiated against the first informant quashed. In the FIR, there are allegations against the accused No. 1 – Ali Raza Shaikh, of having deceived the first informant to part with a huge amount of Rs.1,95,68,000/- on multiple counts like getting the prosecution against the first informant quashed, transferring a liquor license in favour of the first informant and also huge returns on the investment made by the first informant in the business of agriculture produce at APMC Market, Navi Mumbai. The first informant further alleged that when the first informant insisted for the return of the amount, he was threatened with dire consequences on the point of a Pistol.

4) The learned Counsel for the applicant submitted that the role attributed to the applicant is restricted to that of inducing the first informant to part with a sum of Rs.47,00,000/- in connection with first representation of assisting the first informant in getting him absolved from the prosecution. The applicant is not concerned with the rest of the allegations in the

FIR. It was submitted that the prosecution has alleged that the applicant had received a sum of Rs.1,95,000/- from accused Ali Raza Shaikh in the Account No. 095701500742, which stands in the name of Sunita Mangalani, the wife of the applicant. The learned Counsel for the applicant on instructions submitted that without prejudice to the rights and contentions of the applicant, the applicant is willing to bring back the said amount.

5) The learned APP resisted the prayer for bail. It was submitted that the applicant was a privy to the conspiracy to deceive the first informant. He had not appeared in response to the notice under Section 41-A of the Code of Criminal Procedure, 1973. The applicant had made himself scarce. A huge amount is yet to be recovered and, therefore, the applicant may not be released on bail.

6) The learned Counsel for the first informant also resisted the prayer for bail. It was submitted that the allegations are required to be appreciated in their entirety. The applicant had induced the first informant to deliver huge cash amount by making a false representation that he would be absolved of the prosecution.

7) I have perused the allegations in the FIR. Primarily the allegations are against the accused - Ali Raza Shaikh whom the first informant had known from before. The accused - Ali Raza Shaikh had allegedly introduced the applicant to the first informant as the person who had rapport with influential persons. It is alleged that the applicant was present in the meeting in which one Valmik Gelor was introduced as the person who would facilitate the quashing of the proceedings against the first informant.

8) It is pertinent to note that the first informant alleged that initially cash amount of Rs.37,00,000/- was handed over to accused Ali Raza Shaikh. Subsequently a sum of Rs.10,00,000/- was again delivered to Ali Raza Shaikh. It does not appear that the cash amount was either paid to the applicant or he was present when the cash amount was paid to the co-accused - Ali Raza Shaikh. After the alleged delivery of cash amount of Rs.47,00,000/- also, it appears there were further transactions between the first informant and the applicant till the month of February, 2022. Certain cheques were drawn by Ali Raza Shaikh, which were dishonoured on presentment.

9) In the aforesaid view of the matter, especially having regard to the role attributed to the applicant, at this stage, where the investigation is complete for all intent and purpose and charge-sheet has been lodged, further detention of the applicant does not seem to be warranted.

10) In the circumstances, I am inclined to exercise the discretion in favour of the applicant.

11) Hence, the following order.

: O R D E R :

(i) The application stands allowed.

(ii) The applicant Raju Devidas Manglani be released on bail in CR No. 421 of 2023 registered with Matunga Police Station for the offences punishable under Sections 120-B, 406, 420, 468, 471 and 506 (2) of the Indian Penal Code, 1860, on furnishing a P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence at the Matunga Police Station on the first Monday of every month between 10.00 am to 12.00 noon for a period of three years or till conclusion of trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

(v) As undertaken the applicant shall deposit a sum of Rs.1,95,000/- in the Court of learned Metropolitan Magistrate, Kurla, exercising the jurisdiction over Matunga Police Station within a period of two weeks from today.

(vi) The said amount shall abide the out come of the criminal case arising out of CR No. 421 of 2023.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of 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.

[N. J. JAMADAR, J.]