

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

ANTICIPATORY BAIL APPLICATION NO.812 OF 2021

Tushar Ashutosh Chaumal	 Applicant
versus	
State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.651 OF 2021**

Dr. Ashutosh Ramgopal Chaumal	 Applicant
versus	
State of Maharashtra	 Respondent

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- Mr. Nitin Sejpai a/w Sakshi Jha, Advocate for Applicants in both ABAs.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th JANUARY, 2024

P.C. :

1. Both these applications are decided by this common order because they arise out of the same FIR.

2. The Applicants are seeking anticipatory bail in connection with C.R.No.58/2021, dated 21/02/2021, registered

with Mira Road Police Station, Mira-Bhayandar, Vasai-Virar, under sections 420 r/w 34 of the Indian Penal Code.

3. Heard Mr. Nitin Sejpal, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.
4. The FIR Is lodged by PSI Patil attached to Traffic Branch of Kashimira, Mira-Bhayandar, Vasai-Virar Police Commissionerate. The FIR mentions that they received an application in the nature of complaint by a Corporator that some vehicles were used in Mira Bhayandar unauthorisedly. The investigation was carried out and it was noticed that two ambulances having the same registration number MH-04-HJ-3488 were being used in that area. The investigation revealed that they are owned by the Applicant Dr. Ashutosh Ramgopal Chaumal. He was helped by his son, the other Applicant, Tushar Ashutosh Chaumal. They were operating those ambulances and earning profit.

5. Learned counsel for the Applicants invited my attention to the order dated 11/03/2021 passed in Criminal Anticipatory Bail Application No.651 of 2021 by the co-ordinate bench (Coram : Prakash D. Naik, J.). While granting interim protection, learned APP was directed to take instructions to find out the pecuniary gain accrued by the Applicant by utilizing the second ambulance. Learned counsel submitted that the said order was passed on 11/03/2021 and as of today, the charge-sheet is already filed. The investigation is over. The Applicant is willing to deposit the amount of Rs.75,000/- voluntarily as is indicated in the order dated 11/03/2021. He submitted that after about three years, now, the custodial interrogation of the Applicant is not necessary; particularly in the background of the fact that the charge-sheet is already filed and the Applicants were on interim protection since about three years.

6. Learned APP on instructions submitted that neither of these two ambulances was registered in any of the Applicants'

name. She submitted that the charge-sheet is already filed and the investigation is over. There are no other criminal antecedents against either of the Applicants. The Applicant Ashutosh is a Doctor. Therefore, at this stage, the Investigating Officer is not pressing for their custody.

7. Considering both these submissions, since the charge-sheet is filed and the Applicants have shown willingness to deposit a reasonable amount and also since the concerned vehicle is in the custody of the police, at this late stage after three years, the Applicants' arrest will not serve any purpose. They will have to face the trial to prove their innocence.

8. Considering this, following order is passed :

ORDER

- (i) The Applicants are directed to deposit Rs.75,000/- before the Trial Court. This shall be done within a period of eight weeks from today.

- (ii) In the event of their arrest in connection with C.R.No.58/2021, dated 21/02/2021, registered with Mira Road Police Station, Mira-Bhayandar, Vasai-Virar, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (iii) The Applicants shall attend all the dates before the Trial Court, unless prevented by a reasonable cause.
- (iv) The Trial Court shall take final call about the amount deposited by the Applicants at the conclusion of the trial.
- (v) The applications stand disposed of accordingly.

(SARANG V. KOTWAL, J.)