



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1813 OF 2023**

Sharad Khashaba Adsule

... Applicant

versus

State of Maharashtra

... Respondent

Mr. Rajkumar Awasthi with Ms. Bushra Sayed, Mr. Ayyub Patel, for Applicant.
Mr. Prashant Jadhav, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 18 APRIL 2024

P.C.

1. Heard the learned Counsel for the parties.
2. Leave to amend so as to correct the name of the applicant in the cause title.
3. This is an application for bail in connection with C.R.No.8 of 2022 registered with DCB-CID Unit VIII Mumbai (initially registered as C.R.No.30 of 2022 at Chembur Police Station) for the offences punishable under Sections 120B, 420, 465, 466, 467, 468, 471, 472, 473, 474, read with Section 34 of the Indian Penal Code.
4. The gravamen of indictment against the applicant and the co-accused is that the applicant and the co-accused have induced the victims who were not eligible to get the premises under the Slum Rehabilitation Scheme (SRS) to part with huge amounts by making a false representation that they would be provided premises in the

SRS. In the process, the applicant and the co-accused forged and fabricated the documents to show that those victims were eligible for allotment of the premises under the SCS. It was initially alleged that the applicant and the co-accused had duped the first informant and the victims to the tune of Rs.52,40,000/-. During the course of investigation, it transpired that the applicant had received an amount of Rs.71,50,000/-.

5. Learned Counsel for the Applicant submitted that the co-accused have been released on bail. The applicant has been in custody since 3 February 2022. There is no material to indicate that the applicant had forged the documents. In fact, out of the amount of Rs.71,50,000/-, the applicant has already repaid a sum of Rs.34,85,000/- to the alleged victims. The applicant is willing to repay the balance amount of Rs.36,30,000/-, within three months of release on bail. An additional affidavit containing such an undertaking is filed.

6. Learned APP, on instructions, submits that the applicant has returned some amount to few of the victims. However, the quantum of the amount which has been paid by the victims to the applicant and that has been refunded by the applicant and the number of victims whose claims are yet not satisfied were put in contest.

7. Nonetheless, the fact remains that the applicant has repaid some part of the amount, which he had allegedly collected from the victims. The applicant has been in custody since 3 February 2022. Investigation seems to be complete for all

intent and purpose. All the incriminating articles have already been seized. In these circumstances, further detention of the applicant does not seem warranted. I am, therefore, inclined to exercise discretion in favour of the applicant.

8. Hence, the following order ;

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Sharad khashaba Adsule be released on bail in C.R.No.8 of 2022 registered with DCB CID Unit VIII on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence before DCB CID Unit VIII on first Monday of every alternate month between 11 am to 1 pm for a period of three years or till the conclusion of the trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence. 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.

(v) 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.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) 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.

(viii) The statements made in the additional affidavit of the applicant are accepted as undertakings to the Court.

Application disposed.

(N.J.JAMADAR, J.)