

Shailaja

(Modified as per speaking to minutes order dated 02.02.2024)

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

CRIMINAL BAIL APPLICATION NO.3626 OF 2022

a/w

CRIMINAL BAIL APPLICATION NO.3745 OF 2022

Prashant Ashok Kamath] Applicant

Vs.

State of Maharashtra] Respondent

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Mr. Vinod N. Naik, for Applicant.

Ms. Anamika Malhotra, A.P.P, for Respondent – State.

Mr. Laxmikant Salunkhe, P.I. Unit 8, DCB, C.I.D, Property Cell
Mumbai.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 29th JANUARY, 2024.

P.C.

1. Heard Mr. Naik, learned Counsel for the applicant.
2. Mr. Naik invites my attention to an order dated 5th August, 2022 passed by Co-ordinate Bench of this Court (Coram: Bharati Dangre, J.) *qua* Gayatri Gurudatta Wakdekar @ Deepa Jadhav granting bail to her. It is submitted that role played by accused

No.9 – Gayatri Gurudatta Wakdekar @ Deepa Jadhav as well as the present applicant is similar.

3. Undisputedly, the applicant is being prosecuted for the offences punishable under sections 419, 420, 465, 467, 468, 471, 170, 34 and 120-B of the Indian Penal Code in connection with C.R. No.249 of 2020 initially registered with Sion Police Station and subsequently transferred to DCB CID Property Cell vide C.R. No.167 of 2020 and C.R. No.176 of 2020 initially registered with Sion Police Station and subsequently transferred to DCB, CID Property Cell vide C.R. No.174 of 2020.

4. Mr. Naik submits that the applicant has been arrested on 18th January, 2021 in connection with C.R. No.167 of 2020 and on 15th December, 2020 in connection with C.R. No.174 of 2020. The charge has not yet framed. He is behind the bars for about four years. There is no likelihood of commencing the trial in the near future. He, therefore, seeks enlargement of the applicant on bail on the ground of parity as well as incarceration for a longer period without any hope of conclusion of trial within a reasonable time.

5. Learned A.P.P submits for passing necessary order which this Court may deem appropriate in the given facts and circumstances.

6. Without going into the merits, on the ground of parity, the applicant needs to be granted bail. As such, following order is expedient.

: ORDER :

(a) Applications are allowed.

(b) The applicant – Prashant Ashok Kamath be released on bail in connection with C.R. No.249 of 2020 initially registered with Sion Police Station and subsequently transferred to DCB CID Property Cell vide C.R. No.167 of 2020 upon executing a P.R bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

(c) The applicant – Prashant Ashok Kamath be released on bail in connection with C.R. No.176 of 2020 initially registered with Sion Police Station and subsequently transferred to DCB, CID Property Cell

vide C.R. No.174 of 2020, upon executing another P.R bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

(d) The applicant shall attend the concerned Police Station on every Saturday between 3.00 p.m and 5.00 p.m till framing the charge.

(e) After framing the charge, the applicant shall attend the trial Court on each date scrupulously.

(f) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper the evidence.

7. The applications stand disposed of in the aforesaid terms.

[PRITHVIRAJ K. CHAVAN, J.]