

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3559 OF 2023**

Mr. Mangal Ramsurat Singh	...Applicant
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

**WITH
INTERIM APPLICATION NO.762 OF 2024
IN
BAIL APPLICATION NO.3559 OF 2023**

Mr. Sanjay Nana Jadhav	...Applicant
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In the matter between

Mr. Mangal Ramsurat Singh	...Applicant
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

Mr. Ajay Mishra a/w Ravi B. Patwa & Pankaj Mishra i/b Mr. K. A. Singh, for the Applicant in BA/3559/2023.

Mr. P. H. Gaikwad, APP, for the Respondent-State.

Mr. Jitendra S. Tiwari i/b Ms. Kusum Pandey, for the Intervenor.

Mr. Kishor More, API, Tulinj Police Station, present.

**CORAM : MADHAV J. JAMDAR, J.
DATED : FEBRUARY 27, 2024**

P.C.:

1. Mr. Mishra, learned Counsel appears for the Applicant, Mr. Gaikwad, learned APP appears for the Respondent-State and Mr. Jitendra S. Tiwari, learned Counsel appears for the Intervenor.

2. Mr. Mishra, learned Counsel appearing for the Applicant seeks time. He states that he is not ready and is therefore seeking time. However, on earlier date i.e. on 20th February 2024, I have extensively heard Mr. Arvind Singh, learned Counsel on behalf of the Applicant. Therefore, the said request is rejected.

3. Mr. Jitendra S. Tiwari, learned Counsel appears for the Intervenor and seeks time on the ground that Ms. Kusum Pandey is going to appear for the Intervenor. On earlier date i.e. on 20th February 2024, Ms. Pandey, learned Counsel appeared and submitted that Advocate Mr. Jitendra S. Tiwari is going to argue the matter. However, as the Court insisted that the matter should be argued, she argued the matter extensively. Today, Mr. Tiwari, learned Counsel states that he is not ready with the matter, he is not having papers and Ms. Pandey, learned Counsel will argue the matter. He states that as Ms. Pandey comes from Vasai it will take time for her to reach the Court.

4. The present Application is regarding liberty of the Applicant. Therefore, with the assistance of Mr. Gaikwad, learned APP, I have perused the papers. Apart from that learned Counsel of the Applicant Mr. Arvind Singh as well as Ms. Pandey, learned Counsel appearing for the Intervenor on last occasion i.e. 20th February 2024 have argued the matter extensively.

5. This regular Bail Application is preferred under Section 439

of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	346 of 2023
2	Date of registration of F.I.R.	05/05/2023
3	Name of Police Station	Tulinj Police Station, District-Palghar
4	Section/s invoked	420 of the <i>Indian Penal Code, 1860</i>
5	Date of incident	01/01/2011
6	Date of arrest	24/05/2023
7	Date of filing Charge-sheet	20/07/2023

6. A perusal of the F.I.R. dated 5th May 2023 clearly shows that the transaction relating to immovable property has taken place in the year 2011. Thereafter certain amounts were invested by the Informant and some other persons. The said transaction was thereafter cancelled and accordingly an Agreement was executed on 13th September 2011 and certain cheques were advanced. As per the F.I.R. as said Agreement of 2011 is not complied with, the F.I.R. has been lodged.

7. Mr. Gaikwad, learned APP pointed out statements of witnesses, Ranvijay Ram Singh (page 283), Bhavesh Bhagwan Patil (page 284), Jatin Haribhai Parmar (page 286) and Ramakant Hawaldar Singh (page 287). He submitted that although the transactions are of the year 2011-2012, even in 2021 also some cheques were issued by the Applicant and the

same were dishonoured.

8. A perusal of F.I.R. shows that the dispute between the parties is predominantly of civil in nature. The Applicant is incarcerated since 24th May 2023. In any case, as the Charge-sheet is filed on 20th July 2023, the investigation is complete.

9. It is an admitted position that the investigation has been completed and Charge-sheet has been filed on 20th July 2023. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

10. The Applicant does not have any criminal antecedents.

11. The Applicant does not appear to be at risk of flight.

12. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Mr. Mangal Ramsurat Singh be released on bail in connection with C.R. No.346 of 2023 registered with the Tulinj Police Station, District-Palghar on his furnishing P.R. Bond of Rs.50,000/- with one or two solvent sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Tulinj Police Station, District-Palghar once in a week i.e. on every Sunday

between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

- (d) 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 such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the observations made herein are *prima facie* and the trial Court shall decide the case on its own merits and uninfluenced by the observations made in this Order.

15. In view of disposal of the Bail Application, nothing survives in the Interim Application and the same is also disposed of.

16. Although the Bail Application is disposed of, in this Bail Application a learned Single Judge [M. S. Karnik, J.] by Order dated 7th November 2023 and this Court by Order dated 20th February 2024 directed the Respondent-State and all concerned to take immediate steps to provide facility of Laptops/I-pads to

the learned APPs so as to ensure that the Bail Application are heard within a short time in an effective manner.

17. For reporting compliance of the said Order, stand over to **5th March 2024** at 2.30 p.m.

[MADHAV J. JAMDAR, J.]