

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4110 OF 2023

Sachin Kishan Joshi ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Amit Icham, for the Applicant.
Mr. Tanveer Khan, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.
DATE : APRIL 29, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. The applicant who is arraigned in C.R.No. 833 of 2021 registered with Sakinaka police station for an offence punishable under section 420 read with 34 of Indian Penal Code, 1860 seeks to be enlarged on bail.
3. The indictment against the applicant and the co-accused is that the applicant and the co-accused had allegedly induced the first informant and other witnesses to part with huge amounts by making a false representation that the first informant and other witnesses would be provided employment through Fareast Drilling Private Limited. The applicant and the co-accused did not secure employment of the candidates as promised, nor the amount was refunded. Thus, the first informant and the witnesses were defrauded by the applicant and the co-accused to the tune of Rs.

65,25,000/-.

4. At the outset, Mr. Icham, the learned counsel for the applicant submitted that the co-accused Mohd. Asgar Ali and Saidul Rehman Malik have been released on bail by this Court by an order dated 13th December, 2023 and 18th January, 2024, respectively. The applicant has been in custody since 2nd June, 2022. As the investigation is complete for all intent and purpose, further detention of the applicant is not warranted. Therefore, the applicant be enlarged on bail.

5. The learned APP resisted the prayer for bail.

6. While releasing the co-accused Saidul Rehman Malik on bail, this Court had inter alia noted that the co-accused Mohd. Asgar Ali was stated to be the owner of the company, and the said accused had shown willingness to deposit a sum of Rs. 2 lakhs. Co-accused Mohd Asgar Ali was already released on bail as the latter volunteered to deposit Rs. 5 lakhs.

7. As the facts emerge, it appears to be rather difficult to draw out much qualitative difference between the role attributed to the applicant and the co-accused who have been released on bail. The applicant has been in custody for almost 22 months. The offence entails punishment which may extend upto 7 years. Investigation is complete for all intent and purpose.

8. I am, therefore, impelled to hold that the applicant is also entitled to be released on bail.

Hence, the following order.

ORDER

1] The application stands allowed.

2] The applicant be released on bail in C.R. No.833 of 2021 registered with Sakinaka police station, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount.

3] The applicant shall mark his presence at Sakinaka police station on the first Monday of every alternate month between 11 am to 1 pm for a period of two years or till conclusion of the trial, whichever is earlier.

4] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

5] 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.

6] The applicant shall regularly attend the proceedings before the jurisdictional Court.

7] 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.

Application disposed.

(N. J. JAMADAR, J.)