Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2269 OF 2024

Anil Babulal Chokhara .. Applicant
Versus
The Inspector of Police & Ors. .. Respondents

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- Mr. Sujit Sahoo a/w Ms. Ira Misra, Advocate for Applicant.
- Ms. Mahalaxmi Ganapathy, APP for Respondent No.1 – State.
- Mr. Saurabh Ghag, Ms. Divya Bhatia a/w Mr. Siddhant Raul, Advocates for Respondent No. 2.
- Mr. Pradip Sawant, PI, Unit- 6, EOW – Mumbai.

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CORAM : MILIND N. JADHAV, J.
DATE : MARCH 10, 2025.

P.C.:

1. This is an Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Regular Bail in connection with C.R.No. 721 of 2023 registered with Chembur Police Station for offences punishable under Section 420, 465, 467, 468, 469, 471, 473, 474 and 120B of Indian Penal Code, 1860 (for short '**IPC**')

2. The prosecution alleges that in January 2022, First – Informant while in search of job came across an advertisement at Thane Railway Station regarding recruitment of bank clerks and peons. Upon contacting the provided numbers he was directed by one person named Vaibhav to meet him near Kunj Vihar Bus Stop, Thane and submit his KYC documents. Thereafter Vaibhav informed him that he had been selected, and a salary account had to be opened hence an account in Punjab and Sindh Bank, Masjid Bandar Branch was opened in his name. However he was subsequently informed that he was not selected but would be considered for another job. In April 2022, Vaibhav took First Informant to Equitas Small Finance Bank, Vashi where his Bank Account was opened and passbook, cheque book and few signed cheques were handed over to Vaibhav by him. When First – Informant later tried to contact Vaibhav about his job offer and selection, his phone calls were evaded and ignored. First Informant's suspicion grew and he visited Equitas Small Bank and Punjab and Sindh Bank to close his Bank Accounts.

3. It is prosecution case that in February, 2023 First Informant received summons from MGST Office, Mazgaon, being the purported Director of a Company called M/s. Magic Royal Bullion Pvt. Ltd. Upon inquiry he discovered that Vaibhav and his associates had fraudulently without his knowledge opened a Bank Account in Kotak Mahindra Bank, Chembur in his name by forging his signature and falsely listing him as Director of M/s. Magic Royal Bullion Pvt. Ltd. he realised that a fraud of approximately Rs. 23.99 Crores was committed leading to issuance of the MGST summons. He subsequently closed this said Bank Account. According to prosecution case Applicant in collusion with other accused persons misused First – Informant's KYC documents, listed him as Director of M/s. Magic Royal Bullion Pvt. Ltd. and conducted fraudulent transactions and got tax refund from the State of Maharashtra to the tune of Rs. 23.99 Crores. Hence First – Informant registered FIR on 22.12.2023.

4. Mr. Sahoo, learned Advocate for Applicant would submit that Applicant is not named as an Accused in the FIR. He would submit that FIR mentions unknown persons. He would submit that the chargesheet lacks evidence to establish tax evasion and the investigation conducted under the provisions of the Maharashtra Goods and Services Tax Act, 2017 (for short '**MGST**'), does not invoke any of its provisions in the chargesheet filed before the Trial Court. He would submit that this conduct of Respondent – State raises doubt on the legality of investigation and filing of chargesheet without proper authorization under the Act, emphasizing that only designated officers appointed via Government Notification can conduct such proceedings. He would submit that prosecution case is completely belied and relies on witness statement as there is no direct evidence against the Applicant.

4.1. He would submit that Respondent – State lacks jurisdiction to register FIR or prosecute offences under the MGST Act. He would submit that GST Returns of M/s. Magic Royal Bullion Pvt. Ltd. indicate regular tax payment and hence the said entity has not evaded any tax. He would submit that the said Company is not named as Accused. He would submit that if prosecution case is to be considered then MGST Authorities have not issued any communication or evidence against the Company supporting the contention of prosecution for evasion of tax. He would submit that chargesheet lacks material evidence and nowhere Applicant is shown to be linked to the said offence, thereby making prosecution case highly questionable. He would submit that witness statements recorded by Respondent – State are inconsistent and validity of the same can be determined only at the stage of Trial.

4.2. He would submit that though considerable time has been invested in investigation however the MGST Department has not been able to identify the individuals responsible for the purported inflated GST amount. He would submit that there is no evidence on record to show the beneficiary of the alleged transaction. Hence he would submit that keeping Applicant behind the bars would constitute pre-trial imprisonment without a trial. He would submit that contents of the FIR do not show that any loss was caused to the First Informant and hence no ingredients of offences alleged have been made out.

4.3. He would submit that there is an unexplained delay of 10 months and 21 days in lodging the FIR. Even though First – Informant was summoned by MGST Authority in February 2023, FIR was registered on 22.12.2023, casting a doubt on the prosecution case. He would submit that despite prolonged investigation, no individual responsible for the alleged offence is identified nor there is evidence to show beneficiary of the alleged transactions. He would submit that Respondent – State have violated the provisions of Section 41 and 41A of the Cr.P.C. as it failed to serve copy of Arrest Memo and Grounds of Arrest to Applicant, thereby making his arrest arbitrary in nature.

4.4. He would submit that in so far as application of Section 420 of IPC is concerned there is no deception or inducement at the inception of any kind by Applicant. Hence on bare reading of FIR no offence of cheating is made out by prosecution. He would submit that absence of the Company or its Directors as Accused in FIR further raises suspicion on prosecution case. He would further submit that Applicant has no nexus with First Informant even as per allegations in FIR.

4.5. He would submit that Applicant has deep roots in the Society. He would submit that Applicant is arrested on 17.01.2024, he is incarcerated since 1 year 1 month 11 days. He would submit that investigation is completed, charge-sheet is filed, however trial has not yet commenced. Hence he would urge the Court to allow the present Application.

4.6. He has referred to and relied upon the following decisions of the Supreme Court and various High Courts in support of his case:-

i. ***Pankaj Bansal Vs. Union of India***[1]
ii. ***Ram Kishor Arora Vs. Directorate of Enforcement*** [2]
iii. ***Prabir Pukayastha Vs. State of (NCT of Delhi)***[3]
iv. ***Mahesh Pandurang Naik Vs. The State of Maharashtra and Ors.***[4]
v. ***Syed Sajjad Ali Vs. Senior Intelligence Officer, DRI***[5]
vi. ***Deepak Kumar Vs. State of Punjab***[6]
vii. ***Deepak Singhal Vs. Union Of India*** [7]
viii. ***Sharat Babu Digumarti Vs. Govt. of NCT of Delhi***[8]
ix. ***D.K. Basu Vs. State of West Bengal***[9]
x. ***Sheila Sebastian Vs. R. Jawaharaj and Another***[10]
xi. ***Prabhakar Tewari Vs. State of U.P. & Anr.***[11]
xii. ***Abdulmajid Abdulsattar Memon Vs. State of Gujurat***[12] and
xiii. ***Balwinder Singh Vs. State of Punjab & Anr.***[13]

5. **PER CONTRA**, Ms. Ganapathy, learned APP for Respondent – State has vehemently objected the Bail Application. She would submit

1 2023 SCC OnLine SC 1244.
2 Cri.Appeal No. 3865 of 2023 arising out of SLP (Crl.) No. 12863 of 2023 decided on 05.12.2023.
3 Cri. Appeal D. No. 42896 OF 2023 decided on 15.05.2024.
4 MANU/MH/4383/2024.
5 (2024) 21 Centax 324 (Kar.)
6 CRM-M-38352-2014
7 2024 SCC OnLine MP 5580
8 2016 8 SCR 1015
9 1997 (1) SCC 416
10 (2018) 7 SCC 581
11 (2020) 11 SCC
12 Cri. Appeal No. 3525 of 2024 arising out of SLP (Cri.) No. 8686 of 2024 decided on 27.08.2024.
13 SLP (Cri.) No. 8523 of 2024 order passed on 09.09.2024

that Arrest Memo appended at page No. 123 of the Application, clearly records that grounds of arrest were communicated to Applicant. She would submit that Applicant was arrested on 17.01.2024 at 21:40 hours and his arrest details were contemporaneously recorded in Station Dairy No. 40 of 2024 on 17.01.2024 and his Remand Report is dated 18.01.2024. She would submit that Advocate Mr. Pratap Nimbalkar was present in the office of the Economic Offences Wing (for short '**EOW**') at the time of arrest of Applicant and in his presence the Investigating Officer narrated the contents of the FIR and the statement of C.A. Mr. Ankit Jain to the Applicant. She would submit that only thereafter the Arrest Memo and Panchanama was recorded and Applicant himself affixed his signature on it in the presence of his Advocate.

5.1. She would submit that thereafter Applicant was produced before the Magistrate on 18.01.2024 at 1:40 p.m. that is when he filed a detailed Bail Application opposing his remand. Hence she submits that Applicant was fully aware of his grounds of arrest which is seen from his Bail Application filed by him and therefore the objection of not conveying grounds of arrest raised by Applicant is not tenable. She would submit that Applicant filed a Writ Petition (ST) No. 1979 of 2024, challenging his arrest on multiple grounds including non-communication of grounds of arrest but subsequently withdrew the same thereby weakening his contention on this aspect. She has placed reliance on the judgment in ***Vihaan Kumar vs. State of Haryana and Anr.***[14] to support her submission that the grounds of arrest were duly informed to the Applicant.

5.2. On merits she would submit that case of prosecution relies on the statement of C.A. Mr. Ankit Jain appended at page Nos. 227-228 wherein it is stated that on Applicant's instructions between February 2021 to August 2022, six (6) companies namely – (i) Magic Royal Bullion Pvt. Ltd., (ii) Shivdarshan, (iii) Makewise, (iv) Bull Frog (OPC), (v) Bull Frog and Ocean Freight were registered and the requisite documents were supplied through his employees. These documents were audited and filed as audit reports with the Registrar of Companies (for short '**ROC**'). Hence she would submit that role of Applicant is primary in nature in the present case.

5.3. Next, she has relied upon the statement of Deepak Shigvan appended at page Nos. 229-231 of the Application wherein it is stated that initially he worked as an office boy for Applicant who later threatened him and fraudulently made him the Director of M/s. Magic Royal Bullion Pvt. Ltd. The said Company was involved in gold bar transactions and a bank account was opened in ICICI Bank, Girgaon Branch to handle these transactions. Applicant directed him to obtain KYC details for illicit purposes and offered Rs. 50,000/- in return. Further Applicant alongwith his wife and one Ninad Shigvan

14 2025 SCC OnLine SC 269

opened two private lockers however one locker at Nayan Safe, Opera House was opened in his name where Applicant approximately deposited Rs. 45 lakhs, 1.45 kgs of gold and 80 kgs of silver therein. She would submit that Ministry of Corporate Affairs (for short '**MCA**') record indicate that after his resignation, First- Informant was a made a Director from 07.09.2022 to 22.12.2022.

5.4. She has next placed reliance on the statement of Naveenkumar Jain – owner of M/s. Mahavir Chain appended at page Nos. 238-239 of Application which states that during August 2022 to March 2023, he bought 530 kg of gold amounting to Rs. 298,20,29,915/- and Deepak Jain - owner of M/s. Shree Nityachandra Darshan appended at page Nos. 240-241 which states that during July 2022 to December 2022, he bought 80 kgs of gold amounting to Rs. 53,87,55,700/-. However they both have stated that Applicant and one Mayur Chawda handed over forged invoices with forged signatures of First – Informant and one witness / victim – Subhashkumar Tailor with company seal of M/s. Magic Royal Bullion Pvt. Ltd. to them. She would submit that this shows and reflects the active role played by Applicant in the said offence.

5.5. She has next placed reliance on the statement of Chelaram Prajapati appended at page No. 242 which states that Applicant paid 5 paisa commission per lakh to the middlemen for purchasing Rs. 7.15 crores in cash. Further reliance is placed on statements of Nanji Patel and Pravin Sadhu appended at page Nos. 249 and 250 which reveal that Applicant transferred Rs. 25 lakhs via RTGS to their accounts from M/s. Chavi Trading, charging a commission of Rs. 3000/- and Rs. 5000/- per lakh. These statements establish that Applicant routed illicit funds by transferring them to third party accounts for a commission and similarly en-cashed them through commission based transactions.

5.6. She has placed reliance on the statement of Mayur Chawda appended at page Nos. 236-237, wherein he states that in July 2021 he worked as an agent in the Bullion Trade Market, when Applicant approached him for gold trading and provided GST documents, KYC documents of Directors, and ledger entries and invoices of various entities.

5.7. She would submit that Applicant destructed evidence which is clear from the statement of Sunny Babulal Jain appended at page Nos. 458-460 wherein he states that Applicant destroyed a laptop and attempted to dissuade witnesses from appearing before the Investigating Officer. It is also stated that on Applicant’s instructions he carried out data entry of various fraudulent entities. It is also affirmed that Applicant controlled multiple fraudulent entities and their bank accounts including the Kotak Mahindra Bank current account.

5.8. She would submit that these statements recorded by the prosecution itself show and reflect the Applicant as principal Accused and kingpin behind the entire scheme.

5.9. She would submit that the present case is filed qua the allegation of forgery of documents. She would submit that investigation has revealed that funds were siphoned from fraudulent companies and were routed to Applicant's shell companies. She would submit that as there is conspiracy hatched by Applicant and co-accused to misuse the trust of innocent persons and commit forgery which involves common intent, hence offence / charges cannot be separated against each accused.

5.10. She would submit that the ROC records appended at page Nos. 229-230 show that the Directors of the M/s. Magic Royal Bullion Pvt. Ltd. were changed every six months, indicating a pattern of fraudulent activity orchestrated by the Applicant. She would submit that the Applicant has a history of financial fraud and is involved in multiple cases of similar nature. These include C.R. No. 93 of 2015 by EOW in a scam of Rs. 304 crores; RC-01/E-2016/CBI/EOW/MUMBAI in a scam of Rs. 1593 crores and Compliant Case No. 9/17 in ECIR/MBZO/5/2016. She would submit that Applicant is a habitual offender and has employed similar *modus operandi* and has repeatedly defrauded individuals through false impersonation and has made unlawful gains.

5.11. She would submit that alleged offence committed by Applicant in connivance with other accused is of a highly serious nature, involving a large – scale conspiracy. She would submit that there is a possibility that the scheme orchestrated by Applicant suggests a massive operation involving multiple fraudulent companies requiring further investigation. She would submit that if bail is granted there is possibility of Applicant re-offending, tampering with evidence and influencing witnesses. To support this submission she has referred to and relied upon the decision of the Supreme Court in case of ***Y.S. Jagan Mohan Reddy Vs. C.B.I***[15]***.*** wherein economic offences involving deep rooted conspiracy and having significant financial impact on the country's economy require a different approach in bail matters. She has also placed reliance on the decision in the case of ***Manik Madhukar Sarve and Ors. Vs. Vitthal Damoji Meher and Ors.***[16] wherein Court cancelled bail granted after a lapse of 6 months highlighting the gravity of economic offences. Hence she would urge the Court to reject the present Bail Application.

6. Mr. Ghag, learned Advocate appearing for Respondent No. 2 – First - Informant has opposed the Application and has supported and adopted the arguments of Ms. Ganapathy. He has relied on the

15 (2013)7 SCC 439
16 2024 SCC OnLine SC 2271

statement of a witness Subhashkumar Jugalkishor Tailor appended at page No. 165 which states that his documents are misused in a similar manner as that of the First – Informant. In the statement it is stated that Raju Singh, Manish Sen and others conspired to misuse documents for company registration with the aROC. In April 2022, they alongwith officers of Kotak Mahindra Bank created a bogus bank account using forged KYC documents and evaded tax of Rs 23.99 crores. Hence complaint was filed against them including the bank.

6.1. He would submit that Applicant is the mastermind behind this deceptive scheme. He further relies on witness statements which *prima facie* highlight the primary role of Applicant, He would also submit that Applicant's serious and repetitive antecedents of similar nature are necessary to be considered by the Court. He has referred to and relied upon the judgement of the Division Bench of this Court in the case of ***Mihir Rajesh Shah Vs. State of Maharashtra***[17] wherein the Court has stated that considering the chain of incidents and its continuity, which was well within the knowledge of the Petitioners, they cannot be permitted to take advantage on account of the 'grounds of arrest' not being communicated to them in writing. Hence he would urge the Court to reject the Application

7. I have heard Mr. Sahoo, learned Advocate for Applicant, Ms. Ganapathy, learned APP for Respondent No.1 – State and Mr. Ghag,

17 W.P. (Cri.) No. 3533 of 2024 decided on 25.11.2024

learned Advocate for Respondent No. 2 – First – Informant and with their able assistance perused the chargsheet and the record of the case.

8. *Prima facie* on perusal of the record it is seen that Applicant is not named in the FIR, however investigation reveals his primary role in the serious economic offence in the present case. Witness statements recorded by prosecution show and reflect that Applicant employed similar *modus operandi* in orchestrating a fraudulent scheme. It is alleged that Applicant has from behind the curtain staged his employees and associates to prey for economically backward, uneducated persons in dire need of job and misled them to provide their vital KYC documents for illicit purposes. It is alleged that Applicant engaged in transactions of sale and purchase of gold bars through M/s. Magic Royal Bullion Pvt. Ltd. Now that the chargesheet is filed, Investigation *prima facie* establishes that Applicant was linked to many shell companies to which the monies were routed. Moreover witness statements state that Applicant routed illicit funds to various third-party companies and charged commission for the same. It is also seen that he en-cashed amounts in similar manner by paying 5 paisa commission per lakh. It is also seen that Applicant opened two safe deposit lockers wherein illicit funds, gold and silver were deposited.

9. In so far as Section 420 of IPC is concerned it is alleged that Applicant secured unlawful gains with a dishonest intention from inspection through forged signatures and fabricated documents under the pretext of employment opportunity and thereby committed forgery.

10. Further offences under Sections 467 (1), 467 (2) and 474 (2) of the IPC punishable upto life imprisonment do not mandate procedural requirements applicable to offences punishable upto 7 years. *Prima facie* on perusing the record, Arrest Memo and Arrest Form / Panchanama indicate that Applicant was informed the grounds of arrest in presence of his Advocate Mr. Pratap Nimbalkar also it is evident from the station dairy, case dairy and remand report that any grounds of arrest where communicated to the Applicant negating any contention regarding procedural lapse on this count. Allegation that the Applicant is the mastermind / kingpin behind the fraudulent scheme, having duped the Government and also public at large is serious.

11. Courts while granting bail are required to consider relevant factors such as nature of the accusation, role ascribed to the accused concerned, possibilities / chances of tampering with the evidence and/or witnesses, antecedents, flight risk. Attention is drawn to the decision of the Supreme Court in the case of ***Ajwar Vs. Waseem***[18] apropos relevant paraments for granting bail which reads thus:-

> *"**26.** While considering as to whether bail ought to be granted in a matter involving a serious criminal offence,*

18 2024 SCC OnLine SC 974.

> *the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail."*

12. The Supreme Court, while dealing with offence, involving conspiracy to commit economic offences of huge magnitude, in the case of ***Y.S.Jagan Mohan Reddy*** *(15th Supra)* laid down following parameters:-

> *" i) economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country, and*
>
> *ii) while granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interest of the public/State and other similar considerations."*

13. The Supreme Court, in the case of ***State of Gujarat Vs. Mohan Lal Jitamalji Porwal***[19], in paragraph No. 5 has held as follows:

19 (1987)2 SCC 364

> *"**5**. ....The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest....."*

14. The learned prosecution is correct in her contention that economic frauds are to be taken seriously as economic offences are grave offences towards the nation. I have considered the submissions advanced by both the sides from which it is discernible that the case against the Applicant is *prima facie* based on witness statements namely - First Informant and one C.A. Mr. Ankit Jain of M/s. Magic Royal Bullion Pvt. Ltd., other than the statements of these two witnesses prosecution case against Applicant is allegedly based upon the transaction of the said Company in dealing with gold bars.

15. It is the prosecution case that the Applicant is the real perpetrator of the crime who has operated from behind the scene. This is repeatedly stated and gathered from the prosecution case. However the question before me is, whether at the bail stage the above grounds are good enough to deny liberty to the Applicant?

16. Undoubtedly if the Applicant is the mastermind the trial will prove the same, but at this bail stage whether the material relied upon by the prosecution is *prima facie* such that it shows the involvement of the Applicant towards the perpetration of the alleged crime. Here is a company called M/s. Magic Royal Bullion Pvt. Ltd. which trades in gold bars, the transaction undertaken by the Company will be governed by the appropriate statute of law. Even according to the prosecution case, name of the Applicant does not surface anywhere or in any of the dealings. Indictment of Applicant is on the basis of witness statements only and nothing more at this stage.

17. The Supreme Court in the case of (i) ***Vikramjit Singh Vs. Narcotics Control Bureau***[20] (ii) ***Tofan Singh Vs. State of Tamil Nadu***[21] (iii) ***Jasbir Singh Vs. Narcotics Control Bureau***[22] and (iv) ***State Vs. Pallulabid Ahmad Arimutta***[23] has held that reliance placed on co-accused statements can undoubtedly be a matter of trial but the same cannot be considered *prima facie* at the bail stage. Though the prosecution has vehemently argued about the Applicant's antecedent in three prior cases, apprehension of prosecution that Applicant will re-offend himself can be undoubtedly be taken care of by passing stringent conditions. To persuade the Court to accept the prosecution case at the bail stage would amount to giving an imprimatur of the

20 BA No. 4268 of 2024 decided on 14.01.2025
21 (2021) 4 SCC 1
22 (2023) SCC OnLine Del 134
23 SLP (Cri.) No. 3242 / 2022 dated 10.01.2022

Court at the inception stage of the case pending trial. What I see from the prosecution case is that the prosecution is relying upon the witness statements of First Informant and one C.A. Mr. Ankit Jain.

18. The fulcrum of the prosecution case that Applicant misused the KYC documents of the witnesses is not *prima facie* proven at the present stage because admittedly the witnesses have stated that they handed over their documents to third persons called Vaibhav or Manish Sen and not to the Applicant per se. However it shall be open to the prosecution to prove its case in trial about the complicity and role of Applicant.

19. In view of the above *prima facie* observations and facts delineated herein above Applicant before me is entitled for bail. Bail Application is allowed on the following terms and conditions:-

i. Applicant is directed to be released on bail in CR No. 721 of 2023 registered with Chembur Police Station on furnishing P.R. Bond in the sum of Rs. 1,00,000/- with one or two sureties in the like amount;

ii. Applicant is permitted to furnish provisional cash bail of Rs. 1,00,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs. 1,00,000/- within a period of four weeks after his release which shall be accepted by the Trial Court. Applicant shall provide sureties as directed;

iii. After his release from jail, Applicant shall report to the Investigating Officer as and when called for;

iv. Applicant shall attend the trial Court on first Monday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Monday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;

v. Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

vi. Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

vii. Applicant shall deposit his passport with the Trial Court;

viii. Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner;

ix. Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail, to the concerned Police Station and also to the trial Court;

x. In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

20. It is clarified that the above observations in this order are limited for the purpose of granting bail only and I have not made any observations on the merits of the case and the trial shall proceed uninfluenced by the present order.

21. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]

Ajay

AJAY TRAMBAK UGALMUGALE

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