

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3786 OF 2024

Francis Joseph	.. Applicant
Versus	
State of Maharashtra	.. Respondent

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- Mr. Harekrishna Mishra a/w. Ms. Sarita Yadav, Advocates for Applicant.
- Mr. Balkrishna B. Kulkarni, APP for Respondent – State of Maharashtra.
- API – Pravin Ahire, Waliv Police Station (9867723931).

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 12, 2025

P.C.:

1. Heard Mr. Mishra, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondent – State of Maharashtra.

2. This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short '**Cr.P.C.**') seeking Bail in connection with C.R. No.788 of 2023 registered with Waliv Police Station for offences punishable under Sections 419, 420, 468, 470, 473 and 34 of the Indian Penal Code, 1860 (for short '**IPC**').

3. Case of Applicant before me seeking bail is that he is not the principal Accused. Principal Accused is one Mr. Raj Kanan who had received an amount of Rs.1.21 Crores as an investment in the Company of Accused No.1. Incidentally Accused No.1 has expired in

the interregnum. According to Applicant before me the nexus of Complainant was only with Accused No.1 and not with Accused No.2. He would submit that implication of Accused No.2 is illegal and without any inquiry by the Investigating Officer he has been arrested and he is in incarceration.

4. Mr. Kulkarni, learned APP would submit that he needs time to go through the papers and take appropriate instructions. Mr. Kulkarni, learned APP is directed to file an appropriate Affidavit to show two specific things. Firstly nexus of Applicant before me and Complainant in question. Secondly whether Applicant has received any benefit directly or indirectly from Accused No.1 in order to show his complicity in the crime.

5. Mr. Kulkarni, learned APP would submit that Applicant is also accused of Section 467 of the IPC i.e. forgery. To that effect also appropriate Affidavit shall be placed on record for consideration of this Court. Let Affidavit be filed within two weeks time.

6. According to Mr. Mishra only document on which he has been implicated in the crime is document placed at page No.482 wherein he has signed as a witness. Prosecution shall take into consideration that document and appropriately file Affidavit for consideration of this Court.

7. Stand over to 26th February, 2025.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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