

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

BAIL APPLICATION NO. 4583 OF 2024

Vijay Kumar Mathan Kumar	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Abhijit Desai a/w Adv. P. Rajan Yadav, Advocate for the Applicant.

Mr. T. G. Khan, A.P.P. for the Respondent – State.

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CORAM	:	N. R. BORKAR, J.
DATE	:	07th APRIL, 2025.

P.C.:

1. This is an application for regular bail.

2. The applicant came to be arrested in Crime No.398 of 2023 registered at Chandan Nagar Police Station, District : Pune, for the offences punishable under Sections 406, 408, 409, 420 read with 34 of the Indian Penal Code, 1860 (for short 'IPC').

3. The allegations against the present applicant and other co-accused are of cheating and misappropriation of amount of complainant company to the tune of Rs.1,34,78,164/-.

4. I have heard the learned counsel for the applicant and learned A.P.P for the Respondent-State.

5. The learned counsel for the applicant submits that all the offences are triable by Magistrate. It is submitted that the applicant is in jail for about one year and six months and the trial has not yet commenced. It is submitted that there are no other criminal antecedents against the present applicant. The learned counsel for the applicant submits that the applicant without prejudice to his rights is willing to deposit Rs.30,00,000/-, however, he be granted some time.

6. On the other hand, the learned A.P.P for the Respondent-State submits that the applicant is involved in serious offence of cheating and misappropriation. It is submitted that considering the nature of crime, the applicant may not be released on bail.

7. The offences are triable by Magistrate. The applicant is in jail for one year and six months. The applicant is willing to deposit Rs.30,00,000/-. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No.398 of 2023 registered at Chandan Nagar Police Station, District : Pune, for the offences punishable under Sections 406, 408, 409, 420 read with 34 of the Indian Penal Code, 1860 (for short 'IPC') on executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount subject to deposit of Rs.10,00000/-;
- (iii) The applicant shall deposit rest of the amount of Rs.20,00,000/- within a period of four months from the date of his release;
- (iv) The release warrant shall not be issued unless the said amount of Rs.10,00,000/- is deposited;
- (v) The prosecution would be at liberty to file an application for cancellation of bail if rest of the amount Rs.20,00,000/-is not deposited;
- (vi) Application stands disposed of accordingly.

(N. R. BORKAR, J.)