Prasad Rajput

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.820 OF 2025

Sanjeev Sohanlal Gupta @ Sani .. Applicant
Versus
State Of Maharashtra and Anr. .. Respondents

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- Mr. Ramachandra Mishra, Advocate for Applicant.
- Mr. Hitendra J. Dedhia, APP for State.
- PI – Sushant Sawant, Crime Branch/Unit-6, Mumbai, present.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 09, 2025

P. C.:

1. Heard Mr. Mishra, learned Advocate for Applicant and Mr. Dedhia, learned APP for State.

2. Applicant before me is arraigned accused No.4 in the present crime. According to the learned Advocate for Applicant the only charge against Applicant is that he is complicit in the present crime for having prepared fabricated and forged documents as alleged by the prosecution for the purpose of giving the sureties. It is the case of Applicant *prima facie* which is borne out from the record of the case that save and except for facilitating furnishing of sureties in the Court the Applicant has played no role whatsoever in preparation of the alleged forged and fabricated documents.

3. Mr. Mishra would persuade the Court to consider the fact that whatever documents were given to the Applicant by the other co-accused persons in respect of sureties filed in the Court and the annexures thereto were all prepared by the other co-accused persons. Allegation in the prosecution case is that co-accused persons had *in tandem* used forged and fabricated Ration Cards, Government ID Cards, Municipal records and other such documents and appended the same to the sureties which were filed in the Court to which Mr. Mishra would counter by arguing that Applicant cannot be held responsible for preparation of forged documents neither is the prosecution's case that Applicant has any role in the preparation of the said documents.

3.1. On the credentials and background of Applicant he would submit that Applicant is a OLA cab driver and for the past several years has been operating the OLA cab business. According to him in view of that business as also similar business carried out by his brother who expired in the interregnum, the Applicant has received a substantial amount over a period of more than 4 years in his bank account of Rs.1.28 crores. He would submit that merely taking the total of that entire amount received by Applicant over a period of 4 years cannot be attributed by the prosecution to his alleged role in the present crime without any corroborating evidence.

3.2. When asked specifically to produce the account Mr. Mishra would inform that the details of the said account are seized. That apart he would reiterate that role of Applicant is similar to that of

Accused No.8 who has already been enlarged on bail. Prosecution shall take precise instructions on the same as delineated above and apprise the Court accordingly.

4. The prosecution is directed to place on record the entire details of the account from 08.04.2020 to 02.05.2024 regarding the allegation of prosecution that Applicant received amount of Rs.1.28 crores in his Kotak Bank Account bearing No.0814763153. Copy of said Bank Account statement be given to Mr. Mishra. Since the Court is of the opinion that on verification of the said account it would be clear as to how and when the amount was received and whether prosecution case deserves acceptance. That apart prosecution is also put on notice to ascertain the precise role of the Applicant as *prima facie* there is nothing emanating from the record placed before Court in the Application to show the role of Applicant in preparation of the alleged forged and fabricated documents.

5. Mr. Mishra is directed to place on record a copy of the chargesheet to enable the prosecution and the Court to ascertain his precise role. Learned Prosecutor shall place on record a copy of the bank account within a period of 4 weeks from today.

6. Stand over to **13th June, 2025**.

P.R. Rajput

[MILIND N. JADHAV, J.]