

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2023 OF 2025

Sensorpal Raguvir Singh

.. Applicant

Versus

The State of Maharashtra & Anr.

.. Respondents

.....

- Mr. Wasim F. Prandarwala, Advocate for Applicant
- Mr. Rushikesh M. Pethe, APP for Respondent No. 1 - State
- Ms. Shahin Desai, PSI, Nehru Nagar Police Station, Mumbai

.....

CORAM : MILIND N. JADHAV, J.

DATE : MAY 09, 2025

P. C.:

1. Heard Mr. Prandarwala, learned Advocate for Applicant and Mr. Pethe, learned APP for Respondent No. 1 - State.

2. Applicant - accused has filed the present Application for regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "**BNSS**") in connection with C.R. No. 137/2023 registered with Nehru Nagar Police Station, Mumbai for offences punishable under Sections 420, 468 and 471 read with 34 of the Indian Penal Code, 1860 (for short, "**IPC**"). Applicant is arrested on 08.08.2024 and as on today he is in incarceration for a period of 9 months and 1 day. Applicant is 58 years old.

3. Mr. Prandarwala would persuade the Court to consider the Application of Applicant forthwith in view of the fact that Applicant is

suffering from brain hemorrhage affecting his mental health. In that view of the matter, present Application is heard forthwith.

4. Insofar as prosecution case against the Applicant is concerned, his indictment in the offences is to the tune of Rs. 1.2 Lakhs only. However, Applicant has shown his bonafides by *prima facie* stating that he has received amount of Rs. 1.53 Lakhs over a period of more than 14 months beginning from 06.04.2021 to 08.06.2022 in different denominations ranging from Rs. 1,000/- to Rs. 16,000/- in his bank account. I have perused the said statement. These amounts were received by Applicant pursuant to 34 entries over a period of 14 months. The attribution of receipt of these amounts is alleged to be in furtherance of commission of the offences by the principal co-accused pertaining to defrauding the first informant-complainant of a sum of Rs. 47 Lakhs.

5. Mr. Prandarwala would persuade the Court to consider that Applicant is ready and willing to deposit the amount of Rs. 1.5 Lakhs.

6. After ascertaining the aforesaid position from the concerned Investigating Officer (IO) who is present in Court and on hearing the learned APP, there are two considerations for showing indulgence in the present matter. The health report of Applicant issued by Sir J.J. Group of Hospitals & GMC shows that Applicant is suffering from a

brain hemorrhage since 2020 and the ailment has continued till date. The latest Prisoner's Medical Report dated 09.05.2025 confirms the aforesaid fact and it is seen that Applicant has been repeatedly referred to Sir JJ Group of Hospitals on regular basis for his ailment.

7. On the issue of merits, indictment of Applicant in the offences at the highest according to prosecution case is only to the tune of Rs. 1.2 Lakhs. Considering the undertaking given by learned Advocate for Applicant that Applicant shall voluntarily deposit the amount of Rs. 1.5 Lakhs within a period of eight weeks from today with the Trial Court to show his bonafides, I am inclined to consider the present Application for bail. Applicant shall deposit the said amount before the trial Court within period of eight weeks from today. In that view of the mater and on overall consideration of the facts of the present case, Bail Application is allowed subject to the following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;
- (ii) Applicant is permitted to furnish provisional cash bail of Rs. 10,000/- for his release immediately and file undertaking that he will provide one or two sureties in the

like amount of Rs. 10,000/- within a period of four weeks after his release which shall be accepted by the Trial Court. Applicant shall provide sureties as directed;

- (iii) 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;
- (iv) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;
- (v) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;
- (vi) 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;
- (vii) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

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

(ix) 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.

8. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

9. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]

Amberkar

RAVINDRA
MOHAN
AMBERKAR
Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2025.05.09
19:14:29 +0530