

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 980 OF 2026

Prabhjot Virendrapal Singh @ Tony ...Applicant
Versus
Union Territory Of Dadra And Nagar Haveli And
Anr. ...Respondents

Mr. Siddharth Jagushte, with Meghdeep Oak and Shubham N. Patil, for the Applicant.

Mr. Ashwin Thool, SPP with Archishmati Chandramare, for the Respondent No.1.

Mr. Arfan Sait, APP for the Respondent No.2-State.

CORAM: R. M. JOSHI, J.
DATED: 5th MAY, 2026.

PC:-

1. The Applicant seeks bail in connection with Crime No. 55 of 2025 dated 17th April 2025 registered with Silvassa Police Station, Dadra & Nagar Haveli for the offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860 ('IPC').

2. In short, it is the case of the prosecution that the Informant and other 23 persons paid amounts to the Applicant as he promised them to provide house in '*Pradhan Mantri Awas Yojana*'. The said scheme was to be implemented by the Municipal Council wherein the Applicant was an employee. The Informant and others never got any premises and as such, the offence came to be

registered. The Applicant came to be arrested on 18th April 2025 in connection with this crime. On conclusion of investigation, charge-sheet came to be filed.

3. Learned counsel for the Applicant submits that the offence punishable under Sections 406 and 420 of the IPC cannot go together and in any case, the offence is punishable with maximum sentence of 7 years. It is his submission that the Applicant is in jail for over a period of 1 year and as such, he cannot be kept in jail by way of pre-trial sentence. According to him, on conclusion of investigation and after filing of the charge-sheet, there is no propriety in continuing the incarceration of the Applicant.

4. The learned Special Public Prosecutor opposes the Application, firstly, by pointing out that the Applicant being an employee of the Municipal Council, had a position of trust and he abused his position by inducing the Informant and others to pay amounts to him. It is his submission that over a sum of Rs.45 Lakhs came to be received from the Informant and others, and not a single farthing has been recovered till date. He seeks rejection of the bail on the ground that the nature of the crime is serious.

5. Even if it is accepted that the prosecution has a case to make out against the present Applicant, the question before this Court is whether the Applicant can be kept in jail by way of a pre-trial sentence. The candid answer thereto is in the negative. The Applicant has no criminal history and is not likely to flee from justice. Needless to say, he cannot be punished without trial. Considering the pendency before the Trial Courts, in the considered view of this Court, this is not a case in which the trial

could be expedited so as to justify the rejection of bail. Hence, the following order:

ORDER

(i) The Bail Application stands allowed in connection with Crime No. 55 of 2025 dated 17th April 2025 registered with Silvassa Police Station, Dadra & Nagar Haveli;

(ii) The Applicant be released on bail on furnishing PR. Bond of Rs.30,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court;

(iii) The Applicant not to interfere into the evidence of the prosecution in any manner whatsoever;

(iv) The Applicant to attend all the dates of hearing before the Trial Court except exempted by a specific order by the Trial Court;

(v) It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

6. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

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