

IN THE COURT OF DISTRICT JUDGE-1 & ADDITIONAL
SESSIONS JUDGE, PANVEL-RAIGAD
COMMON ORDER BELOW EXHIBIT 1 IN
BAIL APPLN NO.590/2020 (CNR NO.MHRG170010822020)
BAIL APPLN.NO.595/2020 (CNR NO.MHRG170010912020)
(Dated 02/11/2020)

Note:- The contents of the applications are concerned with the same C.R., hence, the applications are heard together.

The applicant/accused Mukesh Babalal Pahare (Bail Appln.No.590/2020) and applicant Maidul Dinmohsmmed Shaikh (Bail Appln.No.595/2020) have filed the present application u/sec.439 of Cr.P.C. for grant of bail in C.R.No183/2020 registered with Kharghar police station u/section 420, 406 r.w.34 of IPC.

2. Heard Ld.Adv.Shri Prasad Vartak for applicant Mukesh Pahare and Adv.N.R.Thakur for applicant Maidul Shaikh who submitted that, the applicants came to be arrested on 19/09/2020 on the complaint of one Abhilash Gaikwad with allegations that, applicant Maidul used his bank account in the background of friendly relations and thereafter withdrawn cash of Rs.5,000/- lying in his bank account without his consent. It is further alleged in the complaint that, the applicant Maidul has also taken the bank account details and documents from his friend Aakash and thereafter the applicant Maidul was untraceable.

3. Ld.Adv.submitted that, the complaint has been lodged with misunderstanding and the applicant Maidul could not returned the amount of Rs.5,000/- to the complainant. Ld.Adv. submitted

that, the applicants were in police custody for a considerable period and alleged incriminating documents and mobile phone have been recovered from them and as such nothing remain to be recovered. Ld.Adv.submitted that, material investigation is over and further custodial detention of the applicant is not warranted. Ld.Adv.submitted that, the applicants are permanent resident at the given address and they undertakes to abide all the conditions that may be imposed by this court and prayed for bail.

4. Ld.APP Shri.Bhopi resisted the application and submitted that, in the present complaint the involvement of the applicants has been revealed as there appears certain transactions amongst them which are suspicious. Ld.APP submitted that, various cheque books of different bank accounts and persons have been traced out from the applicants and there appear the transactions of around Rs.5,50,000/- from the applicant Mukesh Pahare whose bank documents and debit cards were found from applicant Maidul. Ld.APP.submitted that, the investigation is going on and there are chances of more victims in the matter. Ld.APP.submitted that, applicants are resident of out of State and in the event of grant of bail, they may jump the bail conditions. Ld.APP further submitted that, the investigation is going on and in the event of grant of bail there is possibility of tampering of prosecution witnesses.

5. Upon hearing the Ld.Advocates and on perusal of the documents filed by the applicants as well as from the police report

there appears some common intention between the applicants to dupe the victims who appears to be from their friendship relations. Though in the complaint there appear the financial loss of Rs.5,000/- to the complainant only, however, seizure of various bank cheque books of other persons and certain rubber stamps of various firms as well as the fact that, on a particular date the amount of Rs.5,50,000/- has been deposited in the bank account of the applicant Mukesh Pahare which shows that, certain illegal transactions might have been occurred in the fraud. It is to be noted that, applicant Mukesh Pahare has not clarified the source of said huge amount in his account. The investigation is in progress. Under the circumstances considering the scope of further investigation there is possibility of tampering the witnesses hence, applicants cannot be enlarge on bail. Case papers returned. Hence, order.

ORDER

1. Application Exhibit-1 in Bail Appln.No.590/2020 and Bail Appln.No.595/2020 stands rejected.
2. Copy of the order be kept in Bail Appln.No.595/2020 for information.
3. Application is accordingly disposed of.

(Directly dictated in open court on the office computer.)

Panvel
Dated :-02/11/2020

(R. G. Asmar)
Addl. Sessions Judge, Panvel-Raigad