

ORDER BELOW BAIL APPLICATION No. 230293/2025

IN

C.R.NO. 13/2025 OF CUFFE PARADE POLICE STATION

The present application is filed by accused Mukesh and Saurav Kumar for enlarging them on the bail on the grounds that they are innocent and falsely implicated in the offence. Accused Mukesh Kumar is 12th Passed person and working with his father. And Accused Saurav Kumar is preparing for Competitive Examination. There name is not mentioned in the FIR. The money which is misappropriated was withdrawn through ATM by one Avinash Kumar @ Bittu as per the remand report. And alleged amount is recovered from Avinash Kumar @ Bittu. Accused are not part of organised syndicate. They do not have criminal antecedents and they have cooperated with the investigation. The offence U/Section 318 (4) is only non bailable offence. The accused have not filed any bail application any other court. They are permanent resident of Bihar. Therefore made that application be allowed.

2] I. O. file say and resisted application on the ground that if the accused are released on the bail they will deceive the public. There is possibility of involvement of in the commission of the offence. And they are release on the bail the participation of other accused will not be revealed. Accused are resident of Bihar there is possibility of their abscondence.


23-02-2025

3] Ld. APP file say and oppose application on the ground that accused have cheated to the informant and witness under pretext of providing of Helicopter Service at Mahakumbh Mela by creating fake website. Accused are not permanent resident of Mumbai and they were arrested from Nagpur. There may be a racket and accused may be its part. If accused are released on the bail they will abscond and will not be available for trial. They will pressurize the informant and witness and will tamper evidence of the prosecution. And they will commit similar offence. The investigation is at initial stage, therefore, prayed that application be rejected.

4] Perused the record. Heard both parties. In the present case, misappropriated amount is already recovered. The accused are young aged persons. The amount involved in the offence is meager. There is no reason to curtail personal liberty of the accused. Therefore, accused may be released on the bail on safeguarding apprehension of prosecution. The trial will take much time. It is not expedient to put accused behind the bars. Therefore I pass the following order :-

ORDER

- 1) The application is allowed.
- 2) The accused be released on their executing P.B. and S.B of Rs.25,000/- each with following conditions:-
 - a) The accused shall co-operate with the investigation.
 - b) The accused shall not tamper evidence of the prosecution in any manner.
 - c) The accused shall not commit similar offence.
 - d) The accused shall attend police station Cuffe Parade on every

[Handwritten signature and date]
27/11/2020

monday from 10:00 am to 3:00 pm. for sixty days or filing of final report which ever is earlier.

[Handwritten signature]
24-02-2025

(P. S. Ghodke)

Judicial Magistrate (First Class),
23rd Court, Esplanade, Mumbai.

Date : 24/02/2025.

TRUE COPY

For Judicial
Magistrate
23rd Court, Esplanade
[Signature]

Applied on- 28/02/25
Ready on- 03/03/25
Delivered on-
R.N. No. 0751747
on 03/03/25

