

Darshan Patil

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO. 10 OF 2022**

Bhairav Yogesh Bhawsar @ Lalu	..Applicant
VS.	
State of Maharashtra	..Respondent

---

Ms. Mrunmai Kulkarni, for petitioner  
Mr. S.H. Yadav, APP for state  
Mr. D.K. Gund, PI Bangur Nagar Police Station

---

**CORAM : M. S. KARNIK, J.**

**DATE : NOVEMBER 28, 2022**

**P.C. :**

1. Heard learned counsel for the applicant.
2. This is an application for bail in respect of C.R. No. 89 of 2018, registered with Bangur Nagar Police Station, on 20/03/2018, for the offence punishable under section 420, 406 read with 34 of Indian Penal Code, 1860 and section 66-D of the Information Technology Act, 2000.
3. The applicant was arrested on 07/07/2021. The applicant was one of the proprietor of Enbee Enterprises

which was in the business of organising tours to foreign countries. For sometime the business was going on smoothly but later on due to some financial difficulties, the travel business of the applicant suffered. The applicant and other two persons are accused of collecting money from the travelers but failed to take them on tour as promised. Ms. Kulkarni, the learned counsel for the applicant, has referred to the order dated 18/11/2022 passed by this court. Paragraph no. 3 of the order reads thus:

“3 Considering the seriousness of the accusations, and particularly, when the applicant himself was the signatory of the MOU, let him at least clear the liability which was undertaken by the said MOU by making the amount good.

Let the applicant file an affidavit, that on his release within what time he shall clear the payment so that the statement made in the MOU would be honoured.

Let such an affidavit be filed within a period of one week from today.

Stand over to 28/11/2022.”

**4.** In terms of the memorandum of the understanding, it does appear that nineteen investors have entered into an agreement. In terms of the order dated 18/11/2022 the undertaking of the applicant has been filed. The applicant

has been stated about the schedule of the payment to be made. Learned APP has resisted the application and submitted that the Accused no. 2 – Ms. Nancy Veronica, wife of the applicant, is absconding.

**5.** The applicant is in custody almost for the period of one year and four months. In view of the memorandum of the understanding, which is a part of the charge-sheet which has already been filed, the assurance of the applicant dated 26/04/2019, the subsequent affidavit dated 25/11/2022 filed by the applicant in view of the order dated 18/11/2022 of this Court, in my opinion, no purpose will be served by prolonging the custody of the applicant. The applicant can be released on bail. Hence the following order.

### **ORDER**

(a) The applicant – Bhairav Yogesh Bhavsar @ Lalu, in connection with C.R. No. 89 of 2018, registered with Bangur Nagar Police Station, shall be released on bail on furnishing P.R. bond in the sum of Rs

25,000/- with one or more sureties of the like amount.

(b) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 4 weeks in lieu of surety.

(c) The applicant shall report to the Bangur Nagar Police Station once in month, i.e. on first Monday of that month between 11 a.m. and 1 p.m.

(d) The complainant shall deposit the amounts as per the MOU and the receipts thereof to be placed before the Investigating Officer. After the deposits are made, the amounts shall be transferred to the Trial Court.

(d) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

**6.** The application is disposed of.

**(M. S. KARNIK, J.)**