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

ANTICIPATORY BAIL APPLICATION NO.468 OF 2015

Prakash Uttam Satre	... Applicant
Vs	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.337 OF 2015
IN
ANTICIPATORY BAIL APPLICATION NO.468 OF 2015**

Vyankatesh Kulkarni	...Intervener
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IN THE MATTER BETWEEN

Prakash Uttam Satre	... Applicant
Vs	
The State of Maharashtra	... Respondent

Mr.Manoj S. Mohite, for the Applicant.
Ms.K.H.Rajani, for the Intervener.
Ms.S.S.Kaushik, APP for the Respondent – State.
PSI- P.T.Hiwale, Crime Branch, Thane.

**CORAM : REVATI MOHITE DERE, J.
DATE : 24th AUGUST, 2015**

P.C. :

1. Heard learned counsel for the Applicant, learned counsel for the Intervener and learned APP for the Respondent - State.

2. By this Application, the Applicant seeks pre-arrest bail, in connection with C.R. No.I-12 of 2015, registered with the Thane Nagar Police Station, Thane, for the alleged offences punishable under Sections 420, 406, 408 of the Indian Penal Code.

3. According to the complainant - Vyankatesh Kulkarni who has also filed an Intervention Application in the aforesaid matter, the applicant was working in his company – M/s.Meghna Solace Private Limited from the year 2008 as a Clerk. He has alleged that the father of the complainant had 3 acres of land which were destroyed in the floods of 2006 and as such the applicant who held the power of attorney on behalf of his father was in need of money. He has alleged that in the year 2011, the complainant agreed to help the applicant as he was in need of money and accordingly entered into an Agreement for Sale with the complainant for 1 acre of land.

4. Learned Counsel for the Applicant states that the Agreement for Sale is an unregistered document and that no amount has been mentioned in the said document. According to the learned counsel, the amount that was due and payable by the applicant to the complainant was

only Rs.17 lacs and not Rs.36 lacs, as alleged by the learned counsel for the complainant. He submitted that infact as the applicant was unable to return the said amount to the complainant, he was compelled to resign from the company and that the applicant had also filed a complaint on 7th January, 2015, alleging harassment by the complainant. The present complaint/FIR has been lodged on 22nd January, 2015, wherein the complainant has stated that he had advanced a sum of Rs.36 lacs ; Rs.17 lacs by cheque and the balance amount by cash. According to the complainant, the applicant had cheated the complainant and had also committed criminal breach of trust.

5. Learned Counsel for the Applicant submits that the dispute if any, is of a civil nature and that no offence as alleged is made out. He submits that the applicant has deposited a sum of Rs.17 lacs, that was due and payable by him to the complainant, in the Registry of this Court. Learned Counsel for the complainant seeks liberty to withdraw the said amount deposited by the Applicant. The learned counsel for the applicant on the instructions of his client who is present in Court has no objection if the said amount of Rs.17 lacs is withdrawn by the complainant.

6. Considering the nature of allegations and the fact that the Applicant has accepted his liability to pay Rs.17 lacs to the complainant and has accordingly deposited the same, in the facts, the custody of the applicant is not required, and the applicant is granted anticipatory bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- ii) The Applicant shall attend the Thane Nagar Police Station, Thane, on the first Saturday of every month, between 10.00 a.m. to 12.00 noon, till the filing of the charge-sheet ;
- iii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case.
- iv) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. The complainant – Vyankatesh Kulkarni is permitted to

withdraw the said amount of Rs.17 lacs which is deposited by the Applicant in the Registry of this Court, after verifying his identity.

9. It is made clear, that the observations made herein are prima-facie and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. In view of the disposal of the Anticipatory Bail Application No.468 of 2015, the Intervention Application being Criminal Application No.337 of 2015 does not survive and the same is also disposed of.

11. Parties to act upon the authenticated copy of this order.

REVATI MOHITE DERE, J.