IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.196 OF 2016

Madhukar Sadashiv Gomane ... Applicant
vs.
The State of Maharashtra ... Respondent

Ms. Dipika Batheja i/b. Mr. P.U. Gaikwad, for the Applicant.
Mr. S.H. Yadav, APP for Respondent – State.
PSI. Mr. S.T. Dhumal, Vanrai police station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **21st MARCH, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 465, 467, 468, 471 and 420 of the Indian Penal Code in C.R. No. 27 of 2016 registered with Vanrai police station. The offence is registered at the instance of one Ashwin Dedhia on 26th January, 2016.

2. It is the case of the prosecution that the applicant/accused was working in the revenue department. The complainant came in

contact with him and the applicant/accused represented that he has good knowledge about the implementation of SRA scheme. The complainant decided to develop property at Jogeshwari, Malad and Kandivali under the firm by name *"Vimal Corporation"*. The applicant/accused agreed to work as an advisor. The complainant thereafter paid Rs. 25 lacs cash to the original landlord of the lands for the purpose of SRA work and got it registered. Then he paid Rs. 5,86,250/- by cheques. It is the case of the prosecution that the applicant/accused did not submit papers on behalf of Vimal Corporation and though the scheme was launched by the complainant. The annexed Index was issued in the name of applicant/accused, as the applicant has fraudulently entered into an agreement with the original landlord din his personal capacity. So the complainant gave first information report.

3. The learned counsel for the applicant/accused has submitted that the applicant is on interim bail since 2nd February, 2016 and has been attending the police station regularly and cooperated the police. She submitted that the custody of the applicant is not required.

4. The learned prosecutor while opposing the application submitted that it is necessary to collect the resolution of the society giving authority to the applicant/accused to initiate the scheme. However, he submitted that the statement of the chairman of the society is recorded wherein it is mentioned that the said resolution is eaten by termite and hence not given. Police have collected only a photocopy of the said resolution.

5. Considering the nature of the application and the allegations made as it pertains to the documentary evidence and the applicant/accused has attended the police station, police have collected a photocopy of the resolution and it is not pointed out by the learned prosecutor that why the custodial interrogation of the applicant/accused is required, the interim pre arrest bail granted to the applicant/accused on 2nd February, 2016 is hereby confirmed on the following terms and conditions:

(a) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 30,000/- with one or two solvent sureties in the like amount;

(b) The applicant shall not tamper with the evidence and not to commit offence of similar nature;

(c) The applicant shall cooperate with the Investigating Officer and shall attend the concerned police station as and when required by the investigating officer.

6. Accordingly, anticipatory bail application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)