

Anand

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

ANTICIPATORY BAIL APPLICATION No.673 OF 2016

Yashwant alias Dada Nana Kadam .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.H.Bhadbhade i/b. Mr.H.A.Advocate, for the
Applicant

Smt.Veera Shinde, APP, for the Respondent –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 05.05.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this application, the applicant
seeks pre-arrest bail in connection with C.R.
No. 17 of 2016 registered with the Chiplun
Police Station, for the alleged offences
punishable under Section 420 r/w 34 of the
Indian Penal Code.

3. Learned Counsel for the applicant submits that in the FIR, the allegations are essentially as against Faisal Mukadam. He submits that the only allegation qua the applicant is that the applicant had taken a sum of Rs. 3,50,000/- from the complainant to return various amounts which he had taken from several persons by assuring them to give them Government jobs. He submits that the persons from whom the applicant is alleged to have taken money, have not come forward, nor any complaint is lodged.

4. Learned counsel for the Applicant further submits that Faisal Mukadam is no more and money was given to Faisal Mukadam and not to the present Applicant. He submitted that even the car has been returned to the Complainant and as such, custody of the Applicant is not required.

5. Learned APP does not dispute the fact that Faisal Mukadam is no more nor does she dispute the fact that Rs.3,50,000/- was given to Faisal Mukadam. According to her, the Applicant was present at the spot. She does not dispute the fact that the car has been returned back to the Complainant.

6. Considering the aforesaid, custody of the Applicant is not required. The Applicant is granted Anticipatory Bail on the following terms & conditions:

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the investigating officer of the Chiplun Police Station **on every Saturday** between **10.00 a.m. and 12.00 noon** till the filing of the charge-sheet;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)