

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 3 OF 2017

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on 21/10/2016 for an offence punishable under section 420, 406 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 12/2/2015 the statement of Stephen Anslam Baptisa was recorded by the police pursuant to an application filed by him. He has stated before the police that he wanted to buy a house. He was in search of a broker. The applicant works as a broker. The applicant had introduced the complainant to one Sachin. The complainant had been to the spot alongwith the present applicant. Thereafter, he had approved of the project. It is specifically alleged that the complainant had parted with Rs. 14,95,000/- in favour of Vishnu Mhase.

4 It is specifically alleged in the first information report that the complainant alongwith present applicant had approached Vishnu Mhase on several occasions. However, he was evading to enter into an agreement/sale deed and was giving evasive answers. As far as

the present applicant is concerned, the only allegation is that he was instrumental in introducing the complainant to Vishnu Mhase, Sachin Panasekar. It prima facie appears that the amount has been obtained by Vishnu Mhase. In these circumstances, the applicant deserves pre-arrest bail.

5 The observations are prima facie in nature and restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and the same shall not be considered at the time of hearing of application for discharge or quashing of FIR or at the time trial.

6 Hence, following order is passed:-

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 348 of 2016 registered at Vile Parle Police Station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(iii) The applicant shall report to the concerned police station from 15/2/2017 to 18/2/2017 between 10.30 a.m to 1 p.m. and cooperate with the investigating agency to the best of his capacity.

7 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)