

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

CRIMINAL BAIL APPLICATION NO. 310 OF 2017

Santosh Anand Chavan.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Kuldeep S. Patil, advocate for Applicant.

Ms. Veera Shinde, APP for State.

Mr. Rahul Rakh, API, APMC Police Station, Navi Mumbai.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : MARCH 20, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused papers.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested in Crime No. 195 of 2016 registered at APMC Police Station, Thane for offence

punishable under section 420, 465, 467, 471, 473, 201 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that the applicant happens to be the maternal cousin of the wife of Bhausahab @ Dilip Yadav. It is the case of the prosecution that on 23/8/2016 one Pradeep Wadkar lodged a report at the police station alleging therein that he was working in GIC Housing Finance. He had met Rajendra Wagh, who was working as mathadi kamgar. He was apprised of a scheme, which was introduced by Bhausahab, wherein persons interested in purchasing tenements/houses were to deposit a particular amount. That through Pradeep Wadkar, many people had invested in the said scheme. It is alleged that Dilip Yadav never had an intention to give houses and instead, had purchased huge property in his own name and in the name of his wife from the amount received as an investment from the people, who had aspired to purchase a house. It is alleged that Bhausahab @ Dilip Yadav had misappropriated the amount by committing breach of trust.

4 It is alleged that after registration of offence, the present applicant had assured the investors that he would put in the best of the efforts to repay the amount which they had invested with Dilip Yadav. Besides assurance, there is no material on record to indicate that the applicant had been the beneficiary of the amounts, which were received by Dilip Yadav. The learned Counsel for the applicant submits that they were also not residing under the same roof and that by virtue of assurances extended by him, he has been implicated as an accused and is in custody since September, 2016.

5 Taking into consideration the material collected in the course of investigation and the fact that no role is attributed to the present applicant in cheating the investors, the applicant deserves to be enlarged on bail.

6 However, the observations are prima facie and restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the shall not be taken into consideration at the time of trial.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
 - (ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 50,000/- and one or more local solvent sureties in the like amount.
 - (iii) The applicant shall report to the concerned police station on 1st Sunday of each month between 10.30 a.m. to 1 p.m. till framing of charge and cooperate with the investigating agency to the best of his capacity.
 - iv) The applicant shall not tamper with the evidence.
- 8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)