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

ANTICIPATORY BAIL APPLICATION NO.239 OF 2017

Dipak Yashwant Dorlekar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.M.K.Kocharekar, for the Applicant

Ms.P.P.Shinde, A.P.P for the Respondent-State

PSI – M.D.Doke, Bazarpeth Police Station, Kalyan (West), Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 12th JUNE, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I - 115 of 2016 registered with the Bazarpeth Police Station, Kalyan, Thane for the alleged offences punishable under Sections 406, 420, 465, 467, 471 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant states that the applicant has

been falsely implicated in the aforesaid case. He submits that the only allegation, qua the applicant is that he introduced the complainant to Adnyat Suresh Nirmal, pursuant to which the complainant handed over a sum of Rs.18 lakhs to Adnyat for purchasing a land at Wadgaon Kati. He submitted that the allegations as against Adnyat are that she did not return the said amount to the complainant nor did she purchase the land, for which the money was taken. He submitted that there are no allegations of forgery and fabrication of documents/records, qua the applicant. He submitted that infact the applicant is the nephew of the complainant and that there was no reason for the applicant to cheat his aunt.

4. Learned APP submitted that the applicant has received a sum of Rs.2 lakhs from Adnyat. She further states that it is co-accused Adnyat Nirmal and Yogesh Nirmal, who have cheated several investors for an amount of about Rs.1,9,00,000/-.

5. Perused the papers. The only allegation, qua the applicant is that he introduced the complainant to co-accused - Adnyat, pursuant to which, the complainant paid an amount of Rs.18 lakhs to Adnyat for

purchasing land at Wadgaon Kati. Although, according to the learned APP, an amount of Rs.2 lakhs was handed over by Adnyat to the applicant, no documents have been placed on record in support thereof. It is not in dispute that there are no allegations of forgery or fabrication of documents, qua the applicant. It is also not in dispute that the applicant is not involved in cheating the other investors and that it is co-accused – Adnyat and Yogesh who have cheated the other investors for an amount of about Rs.1,9,00,000/-.

6. Considering the role of the applicant, custodial interrogation of the applicant is not necessary. The application is accordingly allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. 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

concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier;

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

(iv) The Applicant shall co-operate with the Investigating Agency.

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 are confined to this application.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)