

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION No. 546 OF 2017
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Deepak Narayan Sonkawade
Vs.

... Applicant

The State of Maharashtra

... Respondent

Mr. P.G. Sarda, Advocate for the Applicant.

Mr. Y.M. Nakhwa, APP for Respondent – State in ABA/546/2017 and ABA/549/2017.

Mr. Rajan Salvi, APP for Respondent – State in ABA/547/2017.

Ms. Pallavi Dabholkar, APP for Respondent – State in ABA/548/2017.

Mr. Pradip Vasantrao Kadam, Police Naik, Fauzadar Chawadi Police Station, Solapur City.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 7th April, 2017.

P.C.:

These Applications are second Anticipatory Bail Applications under section 438 of Cr. P.C. Earlier, the applicant/accused has preferred Anticipatory Bail Applications in all the four C.Rs which are as under:

ABA No	Name of the complainant and date of complaint	C.R. No.	Offences	Amt paid. (Rs.)	Period of transaction
433/2017	Nassir Ahmed Abdul Kadar Dongri 15.1.2017	34 of 2017	417, 420, 423, 34 of the Indian Penal Code	6,57,200/-	July 2013 to December 2013
434/2017	Nitin Rajendraprasad Mishra 15.1.2017	33 of 2017	417, 420, 423, 34 of the Indian Penal Code	7,30,000/-	March 2013 to March 2014
435/2017	Prakash Arun Pore 16.1.2017	40 of 2017	417, 420, 423, 34 of the Indian Penal Code	5,00,000/-	January 2014 to February 2014
436/2017	Ravindra Govindrao Kulkarni 15.1.2017	35 of 2017	417, 420, 423, 34 of the Indian Penal Code	6,55,111/-	16.10.2013 to 10.8.2015

All these four Anticipatory Bail Applications filed by the applicant/accused was rejected by this Court by order dated 17th March, 2017. However, the learned counsel for the applicant/accused has taken out second Anticipatory Bail Applications in all the four C.Rs.

2. The learned counsel for the applicant/accused has submitted that certain facts which are in favour of the applicants/accused were not considered by this Court at the time of rejecting Anticipatory Bail Applications. He submitted that the name of the applicant is not mentioned in the FIR of these persons. Moreover, he is the dormant

partner in the partnership form and principal accused Amol Sonkawade was the active partner who has signed all the agreements with the witnesses or persons who claim to be deceived. He further submitted that the present applicant/accused is ready to cooperate the police and no purpose will be served if the applicant/accused is taken in custody. He further relied on the applicant's bank statement and the statement of account of Swapnil Associates, a partnership firm and pointed out that most of the transactions of the partnership firm are operated by principal accused Amol Sonkawade. He has further submitted that the applicant/accused was not a signatory of the consent terms before the Court which was signed by accused Amol Sonkawade. He further submitted that it is not a case of cheating, as right from the inception of the booking of the plots by the witnesses, the applicant/accused and co-accused never wanted to cheat the witnesses. It is not a case under section 420 which is only a non-bailable section but it may fall under section 418 of the IPC, which is bailable.

3. After hearing the arguments and submissions of the learned

counsel for the applicant/accused, I am of the view that there is no change of circumstance to reconsider the earlier order. Moreover it is noted that this is a pre-arrest bail and the matter is being investigated by the Investigating Agency. The principal accused Amol Sonkawade is not traceable. It is a case of cheating and misappropriation of the amounts which were given by the witnesses to the partnership firm. I am of the view that custody of the applicant/accused is required for effective investigation. Hence, Anticipatory Bail Applications are rejected.

(MRIDULA BHATKAR, J.)