

Anand

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

ANTICIPATORY BAIL APPLICATION NO.891 OF 2017

Shamsing Narayansing Thakur .Applicant
alias Bayas

Vs.

The State of Maharashtra .Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.706 OF 2017**

Anand Nandkumar Kale .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Ratnesh Dube, Advocate, for the Applicant in
ABA No.891 of 2017

Mr.Prashant Jadhav, APP, for the Respondent –
State

Mr.Raja Thakare i/b. Ms Poonam Ankleshwaria,
Advocate, for the Applicant in **ABA No.706 of
2017**

Mr.Rajan Salvi, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 07.07.2017

P.C.

. Heard learned counsel for the parties.

2. By these Applications, the Applicants

seek pre-arrest bail in connection with C.R.No. I-41 of 2017 registered with the Satana Police Station, District – Nasik, for the alleged offence punishable under Section 420 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant – Shamsing Thakur alias Bayas submits that the Applicant has been falsely implicated in the said case, only on the basis of the statement of co-accused – Vivek Sonawane. He submits that except the statement of Vivek Sonawane, there is nothing to show that the Applicant – Shamsing Thakur has received any amount.

4. Learned counsel for the Applicant – Anand Kale submits that there is a transfer of Rs.8,00,000/- from Vivek Sonawane to Anand Kale on three different occasions. Learned counsel for the Applicant – Anand Kale submits that the Applicant is an agriculturist and is in the

business of selling fruits. He submits that admittedly, the Applicant has not met any of the persons from whom co-accused – Vivek Sonawane had taken money. He submits that the said amounts which were received by the Applicant, were received pursuant to sale of fruits by the Applicant to Vivek Sonawane.

5. Learned APP opposes the Application.

6. Perused the papers. It appears that co-accused – Vivek Sonawane was arrested by the police under Section 151 of the Code of Criminal Procedure. It further appears that when he was leaving, the police found his movements suspicious and hence, opened his car and found a handbag. In the said handbag, a mobile worth Rs.87,820/- was found and blank cheques and other incriminating documents i. e. students' hall tickets, answer sheet, Caste Certificate etc. It is alleged that when Vivek Sonawane was

questioned, he disclosed that the present Applicants alongwith others have taken money, for appointing persons on Government jobs. Pursuant thereto, the aforesaid complaint was lodged. It appears, that there was no transfer of funds from Vivek Sonawane to Shamsing Thakur. Learned APP states that Shamsing Thakur was paid by cash and hence, there is no corresponding entry. As far as the Applicant – Anand Kale is concerned, the statement shows that a sum of Rs.5,00,000/-, Rs.2,00,000/- & Rs.1,00,000/- was transferred from Vivek Sonawane's account to the Applicant – Anand Kale's account. Whether or not the said amount was received pursuant to sale of fruits or not, or for what purpose, will be decided by the trial Court. The documents are in the custody of the investigating officer. Hence, custodial interrogation of the Applicants is not required. Accordingly, the Applications are allowed and the Applicants are granted pre-arrest bail on the following terms and

conditions:-

O R D E R

(i) In the event of arrest, the Applicants be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/- each** with one or two sureties in the like amount;

(ii) The Applicants shall report to the investigating officer of the concerned police station as & when called for by the investigating officer;

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

(iv) The Applicants shall inform their 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;

(v) The Applicants to cooperate with the

conduct of the trial.

7. The Applications are allowed in the aforesaid terms and are 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.)