

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 1865 of 2017**

Bhimrao Keshav Kharat ...Applicant  
Versus  
The State of Maharashtra ...Respondent

Mr.Prashant G.Sawant for the applicant.  
Ms.P.N.Dabholkar, APP for the State.  
Nilesh Dhonde PSI P.S.Sakinaka

**CORAM: A.M. BADAR, J.**

**DATED: 29<sup>th</sup> NOVEMBER, 2017**

**PC:-**

1. The applicant/accused in crime No.550 of 2017 registered with police Station Saki-naka for the offences punishable under Sections 420, 419, 465, 467, 468, 471, 120(b) r/w 34 of the Indian Penal Code, by this application is seeking his pre- arrest bail.

2. Heard the learned advocate appearing for the applicant/accused. He argued that the FIR reflects that allegations of cheating and forgery are directed against Suhas Patil and his family members. It is further argued that co-

accused Shobha Patil have taken up the liability of repaying the amount by which victims are cheated. The FIR does not disclosed that the applicant had received any amount from the victims of the crime in question. It is also seen that the applicant is not concerned with cheating by using the forged document of M.H.A.D.A.

3. The learned APP opposed the application by contending that the FIR shows that the applicant has posed himself as an officer of M.H.A.D.A. and told his name as Sawant, whereas his name is Bhimrao Kharat. The learned APP further argued that there are several calls between deceased accused Suhas Patil and the present applicant, he had not participated in the investigation despite of notice under Section 41(a) of the Code of Criminal Procedure.

4. I have carefully considered the rival submissions and also perused the record made available. The FIR in question is lodged on the basis of the report given by Suresh Take.

Perusal of the FIR shows that deceased accused Suhas Patil and his family members including his wife Shobha, son Pratik, daughter-in-law Amisha, nephew Pranav had assured the first informant that they can get an apartment allotted to him on payment of money. He was taken to the office of M.H.A.D.A. and was handed over some documents with a logo of M.H.A.D.A. which ultimately found to be forged document. It is further found to be forged document. It is further averred in the FIR that in a similar manner persons acquainted with first informant Suresh were promised allotment of apartment from M.H.A.D.A. or through quota meant for the MLA. The accused persons in this manner took an amount of Rs. 2,39,90,000/- from 23 persons. However, apartments were not allotted to them. The FIR reveals that subsequently co-accused Shobha gave a cheque for the amount of Rs.2,39,90,000/- to the first informant and others but that cheque was also dishonoured.

5. So far as the present applicant is concerned, averments against him are to the effect that deceased accused Suhas Patil took the first informant to the applicant and the applicant then assured that the first informant will get allotment of the apartment. It is averred in the FIR that Suhas Patil introduced the present applicant as Sawant Saheb to the first informant as well as others.

6. Perusal of the FIR does not show that the present applicant had taken any money from the alleged victim of the crime in question. It is not shown that the present applicant had forged the document and used the forged document for the purpose of cheating the alleged victim of the crime in question. The averments are in respect of forgery are directed against the co-accused. Only allegation against the present applicant is to the effect that he was introduced to the victims as Sawant Saheb by the co-accused.

7. Considering this nature of the averments against the present applicant, I am of the opinion that his custodial interrogation is not warranted. Therefore, the following order.

**ORDER**

- i) The application is allowed.
- ii) In the event of his arrest in Crime No.550 of 2017 registered with police Station Saki-naka for the offences punishable under Sections 420, 419, 465, 467, 468, 471, 120(b) r/w 34 of the Indian Penal Code, the applicant/accused be released on bail on executing his PR bond of Rs. 15,000/- and on furnishing surety in the like amount.
- iii) As a condition of this order, the applicant/accused should attend the concerned police station on every Sunday in between 11.00 a.m. to 1.00 p.m. till filing of the charge-sheet and he should co-operate with the investigating officer in investigation of the crime.

iv) In addition to this, he should attend the investigating officer as and when directed by him.

v) In addition to this the applicant/accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.

vi) The application is disposed of accordingly.

**(A.M. BADAR, J )**