

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2204 OF 2016
Vilas Chandrakant Gaokar vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr. T.V. Nalawade i/by Mr.Ashish Dubey for the applicant.
Mr. R.M.Pethe,APP. for the State.

CORAM :A.S.GADKARI, J.
DATE : 10th April, 2017

P.C.

1) The applicant was granted interim relief by an order dated 23.12.2016 by this Court.

2) The first information report is lodged by Mr. Ravji Rane. It is the allegation against the applicant that the applicant entered into joint venture agreement with the complainant in the year 2008 and in pursuance of the said agreement, without the knowledge of the complainant mortgaged the said property to CKP Bank and procured a loan of Rs.5.00 crores. That, when the complainant received notice from the CKP Bank he realized that the applicant has committed the present offence as alleged in the FIR.

3) The record reveals that from the same set of facts the partner of the applicant namely Pritam Gholap has lodged CR No.24/2016. That, the anticipatory bail

application No.920/2016 preferred by the applicant has been rejected by this Court by its order dated 23.11.2016. It is informed by the learned counsel for the applicant that the Hon'ble Supreme Court has granted stay to the said order dated 23.11.2016 on 23.12.2016.

4) As far as present crime is concerned the record reveals that Comunidade of Mapusa, State of Goa has granted no objection certificate to create mortgage in respect of the property for which the alleged joint venture agreement was executed by the applicant and the complainant in the year 2008. It further appears from the record that the mortgage deed was created by the applicant by following the necessary legal provisions. In view of the above, the applicant has made out a case for his release on pre- arrest bail.

5) The interim relief granted by an order dated 23.12.2016 is hereby confirmed however, the applicant is directed attend the Investigation Officer as and when called for between 11.00 a.m.to 1.00p.m. and to join the process of investigation till filing the final report. It is needless to mention that before calling the applicant to police station the Investigation Officer to issue notice under Section 160 of the Cr. P. C. thereby specifically mentioning the date and aforesaid time.

6) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)