

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

ANTICIPATORY BAIL APPLICATION NO. 366 OF 2018

Mahesh Sambhajirao Patil

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Niranjan Mundargi a/w. Mr. Vikram Sutaria for the Applicant.
Mr. S.H.Yadav, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : SEPTEMBER 27, 2018.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No. 44 of 2018 registered with Juna Rajwada Police Station, Kolhapur, for the offences under Section 420, 426, 427, 467, 468, 504, 506 r/w. 34 of IPC and under the provisions of Section 39, 45(k) and (g) of the Maharashtra Money Lending Act, 2014.

2. Heard Mr. Mundargi, the learned Counsel for the applicant and Shri Yadav, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for

the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by one Prachi Dhiraj Sakhalkar. It is alleged that Dhiraj Sakhalkar, the husband of the first informant had started construction of the building. However, he was in financial crisis and he had approached the co-accused Pravin Mohite for financial aid. Said Pravin Mohite had agreed to purchase a flat on the second floor for Rs.32,50,000/-. Since he was not eligible for the loan, it was decided that the flat would be purchased in the name of Mrs. Sheetal Mahesh Patil, the wife of the present applicant. Accordingly, loan proposal was submitted and loan of Rs.24,50,000/- was sanctioned and a cheque for Rs.18 lakhs was disbursed in the account of Mr. Dhiraj Sakhalkar . The first informant has alleged that the co-accused Pravin Mohite and the present applicant had mis-used the blank cheque which was given earlier and they transferred the said amount to the account of Pravin Mohite and thus cheated the husband of the first informant.

4. The records prima facie reveal that the amount of Rs.18 lakhs was credited in the account of Dhiraj Sakhalkar, the husband of the

first informant. The applicant has placed on record, agreement dated 3rd September, 2015 which prima facie indicates that Rs.32,51,000/- has been paid by the applicant to Dhiraj Sakhalkar towards purchase of the flat. The applicants have also placed on record copy of the agreement dated 3rd January, 2017 between Dhiraj Sakhalkar and Pravin Mohite, which prima facie reveals that Dhiraj Sakhalkar owed Rs.19 lakhs to said Pravin Mohite.

5. Whilst granting bail to Pravin Mohite, the learned Addl. Sessions Judge had observed that the agreement dated 3rd January, 2017 prima facie reveals that the said amount of Rs.18 lakhs was given as hand loan by Dhiraj to Pravin by cheque dated 20th October, 2015. This agreement prima facie negates the contention that the applicant herein had mis-appropriated the said amount. Even otherwise, the co-accused, Pravin Mohite, in whose favour the amount has been transferred has already been granted bail. Furthermore, the present applicant was granted interim bail vide Order dated 15th March, 2018, on certain terms and conditions. It is stated that the applicant has complied with the said order. the applicant has no criminal antecedents. He has roots in the society, he

is a permanent resident of Kolhapur, and there are no chances of his absconding or thwarting the course of justice.

6. Considering the above facts and also considering the nature of allegations leveled against the applicant, in my considered view, the applicant is entitled for pre-arrest bail. Hence the following Order:

(i) In the event of arrest of the applicant in C.R.No. 44 of 2018 registered with Juna Rajwada Police Station, Kolhapur, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iii) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(iv) The applicant shall not tamper with the evidence or interfere with the complainant or the other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)