

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

ANTICIPATORY BAIL APPLICATION NO. 136 OF 2018

Joel Fernandes

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Satyavrat Joshi for the Applicant.

Mr. S.R.Agarkar APP for the State.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 06, 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. 6 of 2018 registered with Khadki Police Station for offences under Section 170, 419, 468, 471 r/w. 34 of IPC.

2. Heard Mr. Joshi, the learned Counsel for the applicant and Shri Agarkar, 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 Sudhir Alhat. It is the case of the prosecution that on 3rd January, 2018 the first informant had received a call from the co-accused i.e. the wife of the applicant herein. She had told him to give information regarding the assets held by one Anil Bhosale, as well as the information relating to the bank fraud committed by said Anil Bhosale. The first informant claims that on 4th January, 2018 the wife of the applicant, along with one person whom she had introduced as her husband, met him at Hotel Samrat and once again requested to furnish the requisite information, with assurance that he would be given appropriate share. The first informant had informed the said lady that he would meet her on the next day at 11.00 a.m. He thereafter reported the matter to Khadki Police Station. Accordingly, a trap was laid and the wife of the applicant and another person by name Satish were taken into custody.

4. The records prima facie indicate that the applicant was not involved in making any phone calls to the first informant. He was also not present in hotel Samrat on the day where the applicant was called or the place where the trap was laid and the wife of the applicant and one Satish were apprehended.

5. Considering the above facts and circumstances, this Court by order dated 23rd January, 2018 granted interim bail to the applicant with condition to report to the police station from 29th January, 2018 to 1st February, 2018. The learned APP concedes that the applicant has reported to the police station and that he has been interrogated, and that the presence of the applicant is no longer required for the purpose of investigation or interrogation.

6. Furthermore, Shri Joshi, the learned Counsel for the applicant has submitted that said Satish has already been released under Section 169 of Cr.P.C. Chargesheet in respect of the aforesaid crime has already been filed. The applicant has no criminal antecedents. He is a permanent resident of Bopodi Pune, and there are no chances of the applicant absconding or thwarting the course of justice.

7. Considering all the above facts and circumstances, the application is allowed on following terms and conditions:-

(i) In the event of arrest of the applicant in Crime No. 6 of 2018 registered with Khadki Police Station, 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;

(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 and the other witnesses in any manner.

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signed by
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Salgaonkar
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(ANUJA PRABHUDESSAI, J.)