

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 469 OF 2018

Ganesh Subaram Gore.

.. Applicant.

V/s.

The State of Maharashtra.

.. Respondent.

Mr. P.G. Sarda I/b. Mr. Rahul R. Madhekar, advocate for applicant.

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

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JULY 25, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 451 of 2017 registered at Vimantal Police Station for offence punishable under section 420, 406 of the Indian Penal Code.

3 The applicant happens to be working as a driver with the first informant Nilesh Honkalas. It is alleged that the first informant had given Rs. 16 Lakhs to the applicant to start a business of maintaining paying guest and that he had entered into partnership with the first

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informant. It is alleged that the informant had given 4.53 grams gold on 1/4/2017 and thereafter, cash amount was given to the applicant. Rs. 2 Lakhs were paid by RTGS. However, the record would show that the applicant had transferred the amount of Rs. 30,000/- in the account of the first informant and subsequently, about Rs. 45,000/- were transferred in the account of first informant. In all Rs. 1,13,000/- have been repaid and according to the prosecution, custodial interrogation is imperative for the recovery of the said amount.

4 The learned Counsel for the applicant vehemently submits that recitals in the FIR would not inspire confidence of the court. The applicant was granted interim relief by order dated 5th April, 2018 and it is not the case of the prosecution that he has not cooperated with the investigating agency.

5 In view of the aforesaid observations and the submissions advanced across the bar, the applicant deserves to be granted pre-arrest bail. The order dated 5th April, 2018 is hereby confirmed on the same terms and conditions.

6 The observation are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and the same shall not

considered for discharge application or quashing of FIR or at the time of trial.

7 Hence, following order is passed :

ORDER

(i) In the event of arrest in Crime No.451 of 2018 registered at Vimantal Police Station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 1,00,000/-with one or more solvent sureties in the like amount.

(ii) The applicants shall report to the police station as and when called by the Investigating Officer and cooperate with the investigating agency to the best of his capacity.

8 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

Aruna Sandeep
Talwalkar

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Date: 2018.07.31
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