

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

ANTICIPATORY BAIL APPLICATION NO.682 OF 2018

Dhondiba Kondiba MargaleApplicant

V/s.

The State of MaharashtraRespondent

WITH

ANTICIPATORY BAIL APPLICATION NO.683 OF 2018

1. Sharad Kaluram Pasalkar

2. Shivaji Bhagu MargaleApplicants

V/s.

The State of MaharashtraRespondent

Ms. Prabha Badadare for the applicant.

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

Mr. Subhash Laxman Mahale, PSI, Marketyard Police Station,
Pune present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 05th OCTOBER, 2018.

P.C.:

. These are the applications for anticipatory bail under section 438 of Criminal Procedure Code, filed by the aforesaid applicants, apprehending their arrest in C.R.No.223/2017 registered with Market Yard Police Station, Pune for offences punishable under sections 420, 468, 470, 471 r/w. 34 of the Indian Penal Code.

2. Heard Ms. Prabha Badadare, learned counsel for the applicants

and Mr. S.R. Agarkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the first information report lodged by Shripat Mate. The first information report prima facie reveals that the first informant was interested in purchasing a land. One Vinayak had introduced him to the applicants and had told him that they have property for sale. The first informant had further stated that thereafter, the applicants introduced them to one lady Taramati Pathak and had stated that she was ready to sell the land. The applicants had given him the relevant documents and thereafter told him that the said Taramati Pathak was ready to sell the land for Rs. 65 lakhs. He had alleged that the applicants had taken from him Rs.1,30,000/- in cash and three cheques of total amount of Rs.1 lakh to be paid to Taramati Pathak. The first informant had stated that subsequently he had learnt that the documents submitted by the applicants were forged and that the applicants had also forged the signature of Taramati Pathak. He, therefore, lodged the first information report against these applicants for cheating and for other offences.

4. The records reveal that the applicants herein were granted interim bail by this Court by order dated 10/04/2018. It is submitted that during the pendency of this application, the applicants have reported to the Investigation Officer and that they have been interrogated. The presence of the applicants is, therefore, not required for the purpose of investigation.

5. Mr. S.R. Agarkar, learned APP submits that during the pendency of the application before the Additional Sessions Court, Pune an amount of Rs.1,30,000/- recovered at the instance of the applicants, was refunded to the first informant and three cheques of the total amount of Rs.1,00,000/- had also been returned to the first informant. Considering the above facts and circumstances, the applicants are entitled for pre-arrest bail. Hence, both applications are allowed on following terms and conditions :-

(a) In the event of arrest of the applicants in C.R.No.223/2017 registered with Market Yard Police Station, Pune, they shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(b) The applicants shall remain present before the Investigation Officer from 15/10/2018 for a period of four days and further as and when required by the Investigation Officer for the purpose of interrogation/investigation.

(c) The applicants shall furnish their permanent and temporary address, if any, and their contact details to the Investigation Officer.

(d) The applicants shall not change their residential address without prior intimation to the Investigation Officer.

(e) The applicants shall not interfere with the first informant and other witnesses.

(SMT. ANUJA PRABHUDESSAI, J.)