

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 916 OF 2018

Sanjay Bhagatram Panth	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Pankaj More, i/b Mr. Nitin Kamble, for the Applicant.
Ms. A. A. Takalkar, APP for the State/Respondent.
Mr. Mahesh Chavan, PSI Nalasopara Police Station,
Mumbai.

CORAM: A. S. GADKARI, J

DATED: 14th JUNE, 2018

PC:-

1. The Applicant is apprehending arrest in CR No.I-41 of 2018 dated 30th January, 2018 registered with Nalasopara Police Station, Mumbai, under Sections 420 r/w 34 of Indian Penal Code.
2. The first information report is lodged by Mrs. Aarti Rajnish Navale. It is the prosecution case in brief that, the first informant and other victims after reading an advertisement that residential premises/chawls are made available at reasonable prices at Nalasopara (W),

approached the owner of Aastha Developers namely Shri. Ganesh Rangade, who assured them to give rooms admeasuring about 200 sq. ft. in the said chawls constructed by him at Nalasopara (W). The said Ganesh Rangade thereafter accepted money to the tune of Rs. 24,88,000/- from about 11 victims. That despite lapse of sufficient period, Ganesh Rangade neither handed over possession of the agreed suit premises to the first informant/victims nor returned the amount accepted by him to them. In the premise the FIR is lodged.

3. The learned Counsel for the applicant submitted that the applicant is the friend of Mr. Ganesh Ranagade and he used to help him in his day to day office work. He further submitted that at the instance of principal accused Ganesh Rangade, the applicant withdrew some amount from the bank account of said accused Ganesh Rangade by using his ATM card and handed over the amount to him. He further submitted that except the fact that, the applicant is a friend of Ganesh Rangade and used to attend his office in the absence of Ganesh Rangade, no other overt act can be

attributed to the applicant and therefore prayed that the applicant may be granted the pre-arrest bail.

4. The record of investigation indicates that the principal accused namely Ganesh Rangade had been arrested by the police and now has been released on bail. During the course of interrogation of Ganesh Rangade it was revealed that he was suffering from jaundice from June-2017 to September-2017 and during the said period he instructed the applicant to withdraw certain amount from his bank account by using his ATM card. In furtherance of the instructions of Shri. Ganesh Rangade, the applicant by using ATM card and PIN number withdrew certain money from the bank account of Ganesh Rangade and handed over it to him. The record further indicates that the applicant has not received any monetary benefit in the present crime. That after completion of investigation police have submitted charge-sheet qua other accused persons.

In view thereof the applicant is entitled to be protected by pre-arrest bail.

Hence the following order:

: Order :

(i) In the event of arrest, in CR No.I-41 of 2018 dated 30th January, 2018 registered with Nalasopara Police Station, Mumbai, under Sections 420 r/w 34 of Indian Penal Code, the Applicant be released on bail on his furnishing P.R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

5. Application is allowed in aforesaid terms.

[A. S. GADKARI, J.]