

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1143 OF 2018**

Sandip Subhash Balghat

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Kuldip Patil I/b. Prashant Patil for the Applicant.

Mr. N.B.Patil, APP for the State.

Mr. Chetan More, API, Kondhwa Police Stn., present.

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.348 of 2016 registered with Kondhwa Police Station, Pune for offences under Section 420, 467, 468, 471 r/w. 34 of IPC.

2. Heard Mr. Patil, the learned Counsel for the applicant and Shri More, 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 Vinaykumar Dayashankar Pande. It is the case of the prosecution that the first informant was interested in purchasing a property. The applicant and the co-accused Sunil Shinde had introduced him to one Mahesh Devgirikar and Viraj Belhekar, who had claimed to be the owners of the property. After completing the negotiations, the first informant entered into a Sale Deed with Mahesh Devgirikar and Viraj Belhekar and paid to them an amount of Rs. 9,50,000/- towards the sale consideration. Subsequently, the first informant learnt that the said plot was not owned by said Mahesh Devgirikar and Viraj Belhekar, and that the plot was actually owned by Pune Municipal Corporation. The first informant, therefore, lodged a complaint against the said Mahesh Devgirikar and Viraj Belhekar as well as the present applicant and Sunil Shinde, who had introduced to him said Mahesh Devgirikar and Viraj Belhekar.

4. Shri Patil, the learned Counsel for the applicant has placed before me Order dated 12th January, 2018 in ABA/1984/2017. A

perusal of the said order reveals that Mahesh Devgirikar was one of the persons who had executed the Sale Deed and that he has returned the amount of Rs.9,40,000/- to the first informant. Upon considering the said fact, this Court had granted anticipatory bail to the main accused Mahesh Devgirikar.

5. Considering the above facts and circumstances, and particularly, the role attributed to the present applicant, in my considered view, the applicant is also entitled for bail. The applicant is a permanent resident of Pune, there are no chances of his absconding or thwarting the course of justice. He has no criminal antecedents. Hence the application is allowed on the following terms and condition:-

(i) In the event of arrest of the applicant in Crime No.348 of 2016 registered with Kondhwa Police Station, Pune, 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 and the other witnesses in any manner.

Prasanna
Pradeep
Salgaonkar

Digitally signed by
Prasanna Pradeep
Salgaonkar

Date: 2018.10.09
18:26:30 +0530

(ANUJA PRABHUDESSAI, J.)