IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1583 OF 2018

Yuvraj Subhaschandra Shah & Ors … Applicants
Vs.
State of Maharashtra … Respondent

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Mr. Samarth S. Karmarkar for the applicant.
Mr. A.R. Kapadnis, APP for the Respondent-State.
Mr. Pravin Rane, P.I. Malad, Police Station, present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 29th AUGUST, 2018.

P.C.

1. Applicant is apprehending arrest in CR 365 of 2018 registered with Malad Police Station for the offence punishable under Section 420, 506 read with 34 of Indian Penal Code.

2. The prosecution case is that the accused had represented the informant that one of them was the owner of three galas and thereafter they entered into a registered agreement of sale and accepted the sum of Rs.1,19,000/- from the informant. The statement of the applicant No.1 was recorded which indicate that there was loan agreement in respect to the galas in favour of the applicant No.1 which shows that he was not the owner of the galas

which were sought to be sold to the informant.

3. The applicant preferred an application for anticipatory bail before the Sessions Court which was rejected on 1st August, 2018. Thereafter, the applicant has preferred this application before this Court. Interim protection was granted to applicant No.1 and 2. While passing the said order, it was observed that they tried to return the said amount of Rs.1,19,000/- by way of Demand Draft, which was drawn in favour of the mother of the informant dated 25th July, 2018 which according to the applicant was not accepted by the informant. Learned counsel for the applicant on instructions submitted that with a view to prove their bonafide and without prejudice to their rights and contentions, they would deposit the said amount of Rs.1,19,000/- in the Registry of this Court within a period of two weeks. Learned advocate for the applicant submits that the statement is complied and the amount as stated therein has been deposited in this Court.

4. Considering the aforesaid circumstances, the interim order dated 8th August, 2018 can be confirmed with further direction to the applicants to co-operate with the investigation. Applicant No.3 is granted anticipatory bail by order dated 8th August, 2018.

ORDER

i) Anticipatory Bail Application No. 1583 of 2018 is allowed;

ii) Interim order dated 8th August, 2018 granted in favour of applicant Nos.1 and 2 is confirmed;

iii) In the event of arrest of the applicant Nos. 1 and 2 in connection with CR No. 365 of 2018 registered with Malad Police Station, the applicant No.1 and 2 be released on bail on furnishing PR bond of Rs.15000/- (Rs. Fifteen Thousand) each with one or more sureties in the like amount;

iv) The applicant Nos. 1 and 2 shall attend Malad Police Station once in a month on first Saturday between 10 a.m. to 12 noon till filing of the chargesheet;

v) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses;

vi) Application stands disposed off.

Sachidanand Kuttan Nair

Digitally signed by Sachidanand Kuttan Nair
Date: 2018.08.31 12:16:13 +0530

(PRAKASH D. NAIK, J.)