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

ANTICIPATORY BAIL APPLICATION NO.1659 OF 2017

Prashant Ashok Tawade

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Sandesh Patil i/b P.S. Gole for the Applicant.

Mr. R.M. Pethe, APP for the Respondent/State.

Mr. Chirmade, P.S.I., Kapurbawdi Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 4th JANUARY 2018.

P.C.:

1] By a reasoned Order dated 21.09.2017 the applicant was granted interim relief with a direction to attend the Investigating Officer on stipulated dates and to join the process of investigation.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation.

3] The first informant namely Awadhesh R. Singh has filed a private complaint bearing O.M.A. No.477 of 2016 in the Court of Judicial

Magistrate First Class, Thane. The learned Magistrate by its Order dated 24.4.2017 under Section 156(3) of Cr. P.C. directed to investigate into the allegations made in the said complaint. In pursuance of the said Order, the present crime is registered by the police and are seeking custody of the applicant thereto.

4] The prosecution case in nutshell is that, the accused No.2 Umesh Patil purchased a Flat bearing No.1907 in building known as Acme Ozone situated at Manpada, Thane from accused No.1. That the complainant made substantial payments to the accused No.2 Umesh Patil. In the said complaint, it is stated that, the neither the possession of the said flat is handed over to him nor returned his money. The record indicates that, the accused No.2 Umesh Patil had purchased the said flat from accused No.1 M/s Assent Construction Co.Ltd and subsequently sold it to accused No.9 Bhalchandra D. Nishal. That the applicant advanced a hand-loan of Rs.20.00 lakhs to accused No.2 Umesh Patil for purchasing the said flat. When accused No.2 Umesh Patil decided to sell the said flat to complainant Awadhesh Singh at that time the applicant demanded his money back and therefore accused no.2 Umesh Patil directed the complainant to make payment to the applicant. That the applicant received

payment of Rs.3,56,483/- from complainant.

5] Prima facie, it appears that the applicant has no role to play in the present crime. It is the monetary transaction between the applicant and accused No.2 Umesh Patil inter-se for giving hand loan by the applicant to the accused No.2. It is under the instructions of accused No.2 Umesh Patil, the complainant paid Rs.3,56,483/- to the applicant by cheques. Other accused persons in the present crime have already been released on regular bail by the Trial Court.

6] After perusing the record, this Court is of the view that for further investigation of the present crime, the custodial interrogation of the applicants is not necessary. In view thereof, the interim relief granted by an Order dated 21st September 2017 is confirmed. However, the condition to attend the Investigating Officer is hereby waived.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)