

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.402 OF 2019

Mahendra Uttamchand Soni, Age 44 years,  
Occ.Business, R/o.B-9, 204, Gagangiri Enclave,  
Barvi Road, Khadakpada, Kalyan (W).

Applicant

versus

The State of Maharashtra

Respondent

Mr.Raju D. Suryawanshi for applicant.

Mrs.A.A.Takalkar, APP, for State.

Mr.D.P.Wagh, PSI, Badlapur Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 14<sup>th</sup> February 2019

PC :

1. This is an application for anticipatory bail in CR No.I-53 of 2018 registered with Badlapur West Police Station for offence under Sections 405, 420, 504, 506 r/w 34 of Indian Penal Code.

2. The case of the complainant is that he had sold the flat premises owned by him and had received consideration. It is alleged that the said amount was given as a loan to the firm namely Prince Gold. The amount of Rs.16,77,000/- was allegedly parted by the complainant. It is alleged that the applicant is a partner of Prince Gold. Notice dated 4<sup>th</sup> September 2017 was issued to the applicant, Smt.Suvarna Manihar and Prince Gold.

3. The applicant preferred an application for anticipatory bail before the Sessions Court which was rejected vide order dated 5<sup>th</sup>

February 2019. Prior to that the applicant was granted interim protection by the Sessions Court vide order dated 23<sup>rd</sup> October 2018 with a condition to co-operate with investigating agency and attend concerned police station. The contention of the applicant is that he is not concerned with M/s.Prince Gold. The Shop and Establishment License stands in the name of Smt.Suvarna Manihar. The bank statement of Prince Gold also indicates that a sum of Rs.14,90,000/- is credited into the account of Prince Gold.

4. Learned APP, however, submitted that the applicant is concerned with the said business of Prince Gold. It is at the instance of applicant that the amount was parted out. The son of applicant is actively involved in the business of said concern which is fortified by his visiting card. It is further submitted that the complainant in the FIR has stated that Rs.30,000/- has been deposited by the applicant into the account of complainant. However, presently the investigating officer could not produce any document to establish the said fact. The other accused Smt.Suvarna Manihar was arrested and she was in custody. Subsequently she was granted bail. Learned APP on instructions states that during her interrogation she has stated that the amount was parted by the complainant towards sale of gold. However, the said accused has not disclosed and there is no evidence to show that the amount which was parted through Prince Gold has been credited into the personal account of applicant or that the co-accused had transferred any amount to the applicant from proceeds of crime.

5. In the circumstances, custodial interrogation of the applicant is not necessary. Hence, I pass following order :

**ORDER**

- (i) Criminal Anticipatory Bail Application No.402 of 2019 is allowed and disposed off;
- (ii) In the event of arrest of applicant in relation to CR No.I-53 of 2018 registered with Badlapur West Police Station, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the investigating officer on 20<sup>th</sup>, 21<sup>st</sup> and 22<sup>nd</sup> February 2019 between 11 am and 1 pm.

(PRAKASH D. NAIK, J.)

MST