

HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 778 OF 2019

Ratnakar Shivajirao Patil & Anr.

... Applicants

Versus

The State of Maharashtra

... Respondent

Mr. Veerdhaval Kakade, Advocate for the Applicants.

Mr. S.R. Agarkar, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 27th JUNE, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with C.R.No. 173/2016 registered with Sahakarnagar Police Station, Pune under Sections 420, 406 read with 34 of I.P.C. The FIR in this case is lodged on 17th June 2016 by one Atul Rasal.

2. According to the first informant, he came in contact with one Sarang Patil, who told the first informant that he was connected with people occupying high position and that he was in a position to obtain contracts for construction of buildings and factories. The said person represented to the first informant that the first informant initially

would have to give Rs. 20 lacs and then he would procure such contracts for him. From time to time the first informant paid Rs. 35 lacs. On 14th February 2016 one Rahul Khade was granted loan, who was promoter of a factory. The first informant and Sarang Patil alongwith one Sabale were to construct that factory for which a rough agreement was entered into. It is the case of first informant that the present applicants who were the brother and father of Sarang Patil cancelled that rough agreement and they got another agreement executed in favour of Sarang Patil. Ultimately neither money nor the contract was given to the first informant and therefore FIR was lodged.

3. Heard Mr. Kakade, learned counsel for the and Mr. Agarkar, learned APP for the State.

4. The learned counsel for the applicant pointed out that Sarang Patil himself had lodged another FIR against the first informant in this case. That FIR shows that the first informant in this case had misused and forged a promissory note. He also pointed out that in the present case i.e. CR No. 173/16, said Sarang Patil has already been granted anticipatory bail by this court (Coram: Sadhana S. Jadhav, J.) vide order dated 13th December 2016 passed in ABA 1112/16.

5. Perusal of FIR shows that there are no allegation against the

present applicants amounting to any offence. All the allegations are directed against Sarang Patil. The only allegation against the present applicants are that they cancelled the rough agreement and were instrumental in execution of another agreement in favour of Sarang Patil. This may not amount to an offence in any case. Considering the fact that said Sarang Patil is already granted anticipatory bail in the present case by this court, on the ground of parity since the present applicant's case stands on a better footing, I am inclined to grant the same relief to the applicants. Hence, the following order:-

ORDER

1. In the event of their arrest in connection with C.R.No. 173/2019 registered with Sahakarnagar Police Station, the Applicant be released on bail on their executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)