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

ANTICIPATORY BAIL APPLICATION NO. 2285 OF 2018

Dilip s/o Narayan Patil

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. N. S. Ghanekar i/b Mr. Vinod P. Sangvikar for the applicant
Smt. J. S. Lohokare APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : MARCH 1, 2019.

P.C.

Not on board. Taken on board.

2 In Crime No. 342/2018 registered with Khed Police Station, Dist. Pune for offence punishable under Sections 420, 468 r/w 34 of the Indian Penal Code, applicant is seeking pre-arrest bail.

3 The prosecution case is, FL-2 licence under the Bombay Prohibition Act was promised to be transferred in the name of complainant against consideration of amount of Rs. 2.41 Crores.

4 Of the said consideration, the applicant has received an amount of Rs. 32 Lakhs by a bank transfer, however, neither licence is transferred nor the amount is returned.

5 The submissions of Mr. Ghanekar are that the main accused namely Jagdish Palodkar has received an amount of Rs. 32 Lakhs from the applicant way back in June/July 2016 for his personal requirement. According to him, it is this amount of Rs. 32 Lakhs which was received by the applicant towards settling his account with the main accused Jagdish Palodkar. Shri. Ghanekar then would urge that to demonstrate bonafides, applicant shall deposit an amount of Rs. 10 Lakhs in this Court out of the aforesaid amount.

6 The learned APP submits that the co-relation as is sought to be relied upon by the applicant for changing entry of Rs. 32 Lakhs is somewhat unbelievable story. According to her, custodial interrogation is warranted.

7 Considered rival submissions.

8 The agreement of transfer was subject matter of Notarised Agreement and receipt of amount of Rs. 32 Lakhs by the applicant on October 1, 2016 from the complainant is an admitted fact. Even if it is accepted that the applicant has no role to play in the matter of transfer of the licence, the fact remains that it is his own version that the said amount of Rs. 32 Lakhs was accepted at the behest of main accused Jagdish so as to settle his account with the applicant.

9 Earlier payment of Rs. 32 Lakhs was way back in June/July 2016 in favour of the co-accused and the applicant has received amount of Rs. 32 Lakhs from the complainant in October 2016. Present applicant was personally present when the deal for transfer of the licence was negotiated. As such, it was within knowhow of the applicant that the amount of Rs. 32 Lakhs received by him is towards part consideration in the transfer of the said liquor licence.

10 In the aforesaid background, the fact that the amount received by the applicant was due and receivable by him from the co-accused

Jagdish will be of hardly any consequence, when the fact that the amount was paid out of consideration for transfer of licence was well within the knowledge.

11 That being so, no case for bail is made out, rejected.

[NITIN W. SAMBRE, J.]