

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

**ANT. BAIL APPLICATION NO.2666 OF 2018
WITH
CRIMINAL APPLICATION NO.722 OF 2019**

Mr. Sumedh R. Kale ... Applicant
Vs
The State of Maharashtra ... Respondents

Mr. A.M.Saraogi i/by Mr. Prajot H. Jaggi for the Applicant.
Mrs. J.S.Lohakare , APP for the Respondent-State.
Mr. Sushilkumar Tiwari for Respondent No.2.

CORAM : SANDEEP K. SHINDE J.
DATE : 29th JANUARY, 2020.

P.C. :

The applicant is apprehending arrest in FIR bearing MECR No.10 of 2014 registered for the offences punishable under Sections 420, 406, 404, 504, 506(2) read with Section 34 of the Indian Penal Code, 1860, applicant is seeking pre-arrest bail.

2 On 21st December, 2018, interim protection was granted to the applicant, which is in force till date.

3 It is complainant's case that Ramkrishna Madhukar Kale (Co-accused/father of the applicant) had promised and assured admission to MBBS course for his daughter from management quota against the consideration of Rs.16 Lakhs.

4 It is the complainant's case that he had paid Rs.16 Lakhs to the father of the applicant partly by cheque and cash through four installments; however, on persistent followups and absence of any reply, it was revealed, father of the applicant had misrepresented him. In the circumstances, on 11th November, 2013, complainant Mr. Sharma lodged written complaint to the Inspector Karad Police Station, Karad, against Ramkrishna Madhukar Kale (Father of the applicant) where the deal to pay Rs.16 Lakhs was sealed. Additionally, another complaint had already been filed in 17th October, 2014 with Sakinaka Police Station wherein he reiterated that father of the

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applicant had misrepresented him and in the guise of securing admission for MBBS course, extracted Rs.16 Lakhs from him. It is to be noted that in these two complaints, one at Karad and another at Sakinaka Police Station, complainant did not make any allegations against present applicant. It appears since cognizance was not taken by the police , an application was filed by the complainant on 14th March, 2014 in the 66th Metropolitan Magistrate Court, Andheri seeking enquiry and investigation under Section 156(3) of the Code of Criminal Procedure, 1973. Subject crime is arising out of the order passed under Section 156(3) of the Cr.P.C.

5 I have perused both the complaints, one lodged with Karad Police Station and another with Sakinaka Police Station as well as the application filed by the complainant seeking investigation under Section 156(3) of the Cr.P.C. That for the first time in the application, complainant had alleged that after paying

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Rs.4 Lakhs in the first week of November, 2012 to Ramkrishna Madhukar Kale, applicant followed him for making further installments by visiting his house. Except these averments/allegations in the application, no other allegations are made against present applicant.

6 Applicant is 27 years old, practising advocate and as such, it has been submitted that he would always be available for the investigation.

7 In view of the facts of the case, accusation against the applicant, case is made out for granting anticipatory bail to the applicant. Hence, the following order:

ORDER

(i) In the event of arrest of the applicant in Crime No. 10 of 2014 registered with Sakinaka Police Station, he shall be released on executing PR bond for the sum of Rs.20,000/- with one or more sureties in like sum.

(ii) He shall attend the concerned police station as

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and when called.

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case

8 Application is accordingly allowed and disposed of.

9 As the application itself is disposed off, nothing survives in the application therein and same is also disposed off.

10 It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting anticipatory bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)