IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1233 OF 2021

Sanjay Bhalchandra Agarkar … Applicant

Versus

The State of Maharashtra … Respondent

ALONG WITH
BAIL APPLICATION NO. 1487 OF 2020

Rajan Vilas Sawant … Applicant

Versus

The State of Maharashtra … Respondent

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Mr. Amol A. Patankar a/w Mr. R. B. Raorane, Advocate for the Applicant in B.A. No. 1233 of 2021.

Mr. Harshad V. Bhadbhade, Advocate for the Applicant in B.A. No. 1487 of 2020.

Mr. S. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th JUNE, 2021.

PER COURT:

1. The applicants in both these applications were arrested in C.R. No. 118 of 2019 registered with R.C.F. Police Station, Mumbai for offence under Section 420 r/w section 34 of Indian Penal Code (for short “IPC”)

2. The case of the prosecution is that the complainant decided to purchase residential premises. In July-2012 Hitesh Chivilkar informed the complainant that his wife had received a flat

on the Chief Ministers Quota at Bhayandar through his friend Ravindra Dhuri. In October-2012, accused Sanjay Agarkar, Ravindra Dhuri and Hitesh Chivilkar visited informant's house. Sanjay Agarkar and Ravindra Dhuri informed the complainant that flat admeasuring 1200 sq.ft. at Ashok Tower, Parel can be secured against consideration of Rs.75,00,000/-. The complainant obtained loan and parted amount of Rs.29,10,000/- to accused Sanjay Agarkar and Rajendra Dhuri. In spite of followup, the complainant did not receive the premises. Rs.23,00,000/- were returned to the complainant by cheque, RTGS, net banking and cash by Ravindra Dhuri and Sanjay Agarkar. He was assured that, out of balance amount Rs.6,10,000/-, Rs.2,60,000/- would be returned by Sanjay Agarkar and Rs.3,50,000 returned by Ravindra Dhuri. In August – 2014, Hitesh had informed the complainant that all the documents relating to flat are ready and if he pays the entire money he would be provided flat from Chief Minister's Quota. Sanjay Agarkar informed the complainant that he should not provide this information to Ravindra Dhuri. The complainant handed over the amount of Rs.84,00,000/- to Sanjay Agarkar. After receipt of the said amount Sanjay Agarkar introduced the complainant to Rajan Sawant and informed him that he would provide the premises through Chief Minister's quota. The complainant was also

introduced to one Swami as Secretary. However, the flat was not provided to the complainant. The complainant and his wife insisted for return of his money. Sanjay Agarkar handed over seven cheques for an amount of Rs.58,90,000/-. All the cheques were dishonoured. Sanjay Agarkar provided a flat on rental basis to the complainant, since the complainant could not pay the rent, he discontinued his stay. Thereafter, the complainant was provided the cheques issued by Ravindra Dhuri in the sum of Rs.36,00,000/-. The said cheques were also dishonoured. Hence, the First Information Report was registered on 3rd May, 2019. On completing investigation, charge-sheet was filed.

3. Learned Advocate Mr. Amol Patankar and Mr. Harshad Bhadbhade appearing for the applicants in Bail Application Nos. 1233 of 2021 and 1487 of 2020 respectively, submitted that, the applicants are in custody for substantial period of time. Investigation is completed and the charge-sheet is filed. Further detention of the applicants is not necessary. The applicant Rajan Sawant has not been attributed any role in making false representations to the complainant. No amount was given to him. The complainant has initiated proceedings under Section 138 of Negotiable Instrument Act against applicant Sanjay Agarkar. The applicants were arrested in all the cases one after another. In other

cases they are granted bail. The applicants are in custody for a period of about two years.

4. Learned APP submitted that specific role has been attributed to the applicants. The complainant was cheated. He was induced to part with huge amount. In spite of promise, flat was not provided to the complainant. Complainant was deceived for huge amount. There are criminal antecedents against both applicants.

5. The applicants are in custody for a period of about two years. The offence is triable by the Court of learned Magistrate. The applicants are on bail in other previous cases. Investigation is completed and the charge-sheet is filed. Further detention of the applicants is not necessary.

6. Hence, I pass the following order:

ORDER

(i) Criminal Bail Application Nos. 1233 of 2021 and 1487 of 2020 are allowed;

(ii) The applicants are directed to be released on bail in connection with C.R.No.118 of 2019 registered with R.C.F. Police Station, Mumbai on executing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(iii) Applicants shall report concerned Police Station once in three month on first Saturday of the month between 11:00 a.m. to 1:00 p.m.;

(iv) Applicants shall attend trial Court regularly on the date of hearing, unless exempted by the Court;

(v) Applicants are permitted to furnish provisional cash bail in the sum of Rs.25,000/- each for a period of eight weeks, in lieu of surety;

(vi) Bail Application Nos. 1233 of 2021 and 1487 of 2020 stand disposed of accordingly.

(PRAKASH D. NAIK, J.)

SAJAKALI LIYAKAT JAMADAR
Digitally signed by SAJAKALI LIYAKAT JAMADAR
Date: 2021.08.09 15:32:19 +0530