

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1922 OF 2021

Yugesh Ajit Chawathe and another	Applicants
versus	
The State of Maharashtra	Respondent

Adv.S.V.Marwadi with Adv.Shailesh Kantharia for applicants.
Mr.S.R.Agarkar, APP, for State.
API Kharade, Mahim Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 15th September 2021

PC :

1. Heard learned counsel for applicants and learned APP.
2. The applicants are seeking pre-arrest bail in connection with MECR No.01 of 2021 registered with Mahim Police Station for the offences punishable under Sections 419, 320, 465, 467, 468 of Indian Penal Code.
3. The case of prosecution, in brief, is that one Gauri Kalokhe, complainant had agreed to purchase room no.42 and 24 situated at Girdhari Chawl, Dadar (West) from its owner, Ajit Chawathe. Complainant paid Rs.83.50,000/- to Ajit Chawathe in cash from time to time in twelve installments. Ajit Chawathe did not transfer the rooms to the complainant but sold it to one, Kadam. Whereafter Gauri Kalokhe filed the subject FIR against Ajit Chawathe. This Court declined to grant pre-arrest protection to Ajit Chawathe, whereafter he surrendered to the police.

4. Prosecution case is that the consideration received by Ajit Chawathe (father of applicants) was utilized by them for purchasing a flat. Except this submission, there is no other evidence on record to prima facie hold applicants complicity in the crime.

5. The father of applicants is arrested and he is in custody. The applicants were granted interim protection by order dated 20th August 2021. They were directed to report Investigating Officer. The direction has been complied by the applicants.

6. Considering the factual aspects, the applicants need not be subjected to custodial interrogation. The interim order can be confirmed. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) Interim order dated 20th August 2021 is confirmed;
- (iii) In the event of arrest of applicants in MECR No.1 of 2021 registered with Mahim Police Station, the applicants shall be released on bail on their executing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iv) The applicants shall appear before the Investigating Officer as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST