IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1280 OF 2019

Sanjay Mahadev Vanve …..Applicant

Vs.

The State Of Maharashtra & Anr. …..Respondents

Adv. Aman Kothari i/by Adv. Vaibhav Bagade for the Applicant.
Mr. Y.M. Nakhwa APP, for the Respondent-State.
Ms. Vaidehi Pusalkar for the Respondent No.2.
Mr. Sharad R. Nimale, PSI, MIDC S.T.

CORAM : A. S. GADKARI, J.
DATE : 25th AUGUST, 2021.

P.C.:-

Heard Mr. Kothari, learned counsel for the Applicant, Mr. Nakhwa learned APP for the Respondent No.1-State and Ms. Pusalkar for the Respondent No.2. Perused record of investigation.

2 By an Order dated 17th June, 2019, the Applicant was granted ad-interim relief and was directed to attend the investigating officer of the concerned Police Station on stipulated dates and thereafter, as and when called for, to co-operate with the Investigating Agency and also to submit his Bank statements to the concerned Investigating Officer.

3 Record indicates that, the Applicant was acting as a property agent. The informant was intending to purchase flats in Andheri area and therefore, she contacted the Applicant. The Applicant in turn, introduced

Respondent No.2-informant with persons namely Mr. Mohammad Booth, Mr. Vinay Kutti and Mr. Dinesh Yadav, partners of M/s. D.R.M.A. Enterprises. The said persons showed two flats to the informant at Chakala, Andheri (East), Mumbai. The informant thereafter, paid a sum of Rs.18,88,000/- to M/s. D.R.M.A. Enterprises through bank transfer/chaques/RTGS transfer. Despite receipt of Rs.18,88,000/-, the said partners of M/s. D.R.M.A. Enterprises did not hand over agreed flats to the informant. It is also the allegation of the informant that, the Applicant is the witness to the MOU executed on 19th May, 2018 wherein, one of the partner of M/s. D.R.M.A. Enterprises, Mr. Mohammad Booth agreed to sale two flats from SRA Scheme to the informant for a total consideration of Rs.37,76,000/-. The informant therefore, has lodged the present crime.

4 Record of investigation indicates that, the Applicant only introduced the informant with the partners of M/s. D.R.M.A. Enterprises. It appears that, the Applicant is not beneficiary of the proceeds of crime. The informant paid and/or deposited the amount in the account of M/s. D.R.M.A. Enterprises. The Applicant has attended the Investigating Officer on stipulated dates and has co-operated in the process of investigation.

As per the record, during the course of investigation, the principal accused namely Mr. Mohammad Booth, Mr. Vinay Kutti and Mr. Dinesh Yadav were arrested by the police and now have been released on regular bail. After completion of investigation, the police have submitted charge-sheet.

5 As noted earlier, the Applicant has no direct role to play in the present crime except the fact that, he introduced the informant with the partners of M/s. D.R.M.A. Enterprises and is a signatory as a witness to the said MOU executed on 19th May, 2018.

6 In view of the above, in the opinion of this Court, custodial interrogation of the Applicant for further investigation of the present crime is not necessary and the Applicant can be protected by pre-arrest bail.

Interim relief granted by Order dated 17th June, 2019 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)

SANJIV SHARNAPPA MASHALKAR

Digitally signed by SANJIV SHARNAPPA MASHALKAR
Date: 2021.09.03 18:44:39 +0530