

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

CRIMINAL APPLICATION NO.413 OF 2018

Rohidas Madhukar Lokhande .. Applicant

Versus

State of Maharashtra and Ors. .. Respondents

WITH

CRIMINAL APPLICATION NO.414 OF 2018

Rohidas Madhukar Lokhande .. Applicant

Versus

State of Maharashtra and Anr. .. Respondents

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Mr.Satyaram R. Gaud, Advocate for the Applicant.

Mr.Y.Y. Dabake, APP for the Respondent – State.

API M.S. Salvi, Agripada Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 27, 2021.

P.C. :

Applicant is the original complainant. He had lodged complaint on 3rd May, 2018 and the FIR was registered vide C.R.No.105 of 2018, for the offences punishable under Sections 406 and 420 read with 34 of IPC. The case of the complainant is that the accused in connivance with each other had obtained the

amount of Rs.29,00,000/-, by cash and cheque from the complainant on the assurance of providing the gala/room from Mhada. The gala/room was not provided, and, the amount obtained from complainant was misappropriated.

2 Learned advocate for the applicant submitted that there are documents on record to substantiate the allegations in the first information report. The order of the learned Sessions Judge granting anticipatory bail is erroneous. The custodial interrogation of the accused was necessary for recovering the amount. The reasoning given by the learned Sessions Judge is erroneous, and, hence, the order granting anticipatory bail to the respondents in both the application be set aside.

3 Learned APP, on instructions, submitted that pursuant to the orders granting anticipatory bail, investigation was completed and the charge-sheet had been filed before the concerned Court on 26th October, 2018. Respondent-accused had executed the bail bond before the Court.

4 The impugned orders granting anticipatory bail were passed on 5th June, 2018 and 4th June, 2018. I have perused the

first information report, and, the orders passed by the learned Sessions Judge. Considering the factual aspect, there is no ground to interfere in the orders passed by the learned Sessions Judge. The contention that they were required to be subjected to custody, cannot be accepted since on completing investigation, charge-sheet is already filed.

5 Criminal Application Nos.413 and 414 of 2018, are rejected and stand disposed of accordingly.

(PRAKASH D. NAIK, J.)