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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2578 OF 2021

ASHISH CHANDRAKANT SARFAREAPPLICANT

V/s.

THE STATE OF MAHARASHTRARESPONDENT

Ms. Mallika Ingale advocate for the Applicant

Mrs. J. S. Lohokare APP for the State

Mr. Vijay Jadhav, PSI, Andheri Police Station, Mumbai

CORAM : NITIN W. SAMBRE, J.

DATE: 27th OCTOBER, 2021.

P.C.:

1] Applicant is seeking pre-arrest bail in C.R. No. 611/2017 registered with Andheri Police Station for offence punishable under Sections 120(b), 420, 465, 467, 468, 504, 506 r/w 34 of the Indian Penal Code.

2] The allegations against the applicant are, in connivance with the co-accused, has illegally assured the witness Lalita Raghavan,

flats under Project Affected Persons' quota in the building constructed under Slum Rehabilitation Scheme and accepted amount of Rs. 5 Lakhs which promise was not honoured.

3] The record depicts that applicant has accepted amount of Rs. 5 Lakhs in August 2015 from victim Lalita. Though the said amount is returned, the fact remains that same act is post registration of crime.

4] Apart from above, having regard to the fact that applicant has illegally used the said amount, in response to the Court's query, counsel for the applicant on instructions gave an undertaking within period of two weeks from today, applicant shall deposit the amount Rs. 5 Lakhs in the bank account of witness Lalita Raghavan. Statement is accepted as an undertaking to this Court. It is clarified that payment of said amount of Rs. 5 Lakhs is without prejudice to the rival claims of the parties particularly when the applicant has not disputed that he has used the said amount for personal gain.

5] As the applicant has demonstrated his bonafides and has

returned the amount in 2018, custodial interrogation of the applicant is not called for. As such, application is allowed.

(i) In the event of arrest of the applicant in C.R. No. 611/2017 registered with Andheri Police Station for offence punishable under Sections 120(b), 420, 465, 467, 468, 504, 506 r/w 34 of the Indian Penal Code, he be released on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(ii) Applicant shall neither influence prosecution witnesses in any manner nor tamper with evidence.

(iii) Applicant to attend Investigating Officer 08/11/2021 to 18/11/2021 between 10.00 a.m. to 12.00 noon and thereafter as and when directed.

6] Application stands disposed of.

[NITIN W. SAMBRE, J.]