

(This is a corrected order as per speaking to minutes
order dated 30th October, 2021)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2403 OF 2019

Bharat Chandrakant Agawane ...Applicant

vs.

State of Maharashtra and Others ...Respondents

Mr. Vivek Gore i/b. Mr. S. B. Padarat, for the Applicant

Ms. Anamika Malhotra, APP for the Respondent-State.

Mr. Gaurav Tawar, PSI, Dadar police station present.

CORAM : N. J. JAMADAR, J.

DATE : SEPTEMBER 04, 2021

P.C.:

. This is an application for anticipatory bail in connection with C.R. No. 285 of 2019 registered with Dadar police station, Mumbai for the offences punishable under sections 406, 420, 465, 467, 468, 471 read with 34 of Indian Penal Code, 1860 (the Penal Code).

2. The indictment against the applicant is that Suryakant Khaire, the first informant became acquainted with the applicant while later was working as a loan officer at Vaishya Cooperative Branch, Parel branch. The applicant induced the first informant to enter into the transactions with Mr. Sanjay Kamble , the co-accused, who was the friend of the applicant. It was represented to

the first informant that Sanjay Kamble was working in the estate department of BMC. Based on the representations made by Mr. Kamble, the first informant parted with a sum of Rs. 4,50,000/-. Eventually, Mr. Kamble handed over documents which appeared to be forged. The first informant thus demanded the return of Rs. 4,50,000/- from Mr. Kamble. Thereupon, the later informed the first informant that a sum of Rs. 2 lakhs only was paid to him and balance remained with the applicant. As the amount was not repaid, the first informant lodged report leading to registration of C.R. No. 285 of 2019 for the aforesaid offences.

3. By an order dated 5th November, 2019 this Court had granted interim relief.

4. Heard Mr. Gore, the learned counsel for the applicant and Ms. Malhotra, the learned APP for the State.

5. In the intervening period, post completion of investigation, chargesheet has been lodged against the accused in the Court of learned Additional Chief Metropolitan Magistrate, 5th Court, Dadar, Mumbai. The co-accused Sanjay Kamble has since been released on bail.

6. From the perusal of the averments in the first information report and material on record, it becomes abundantly clear that the role attributed to the applicant is primarily that of introducing the co-accused Sanjay Kamble to the first informant. The amount was allegedly paid by the first informant for the co-accused. The documents were also allegedly prepared and handed over by the co-accused. As the investigation is complete for all intent and purpose, at this juncture, the custodial interrogation of the applicant does not seem warranted. Thus, a prima facie case for the exercise of discretion in favour of the applicant is made out.

Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] The interim order dated 5th November, 2019 stands confirmed on the same terms and conditions.
- 3] In addition, the applicant shall regularly attend the proceeding arising out of first information report No. 285 of 2019 before the Court of learned Additional Chief Metropolitan Magistrate, 5th Court, Dadar, Mumbai.
- 4] The application stands disposed of.

(N. J. JAMADAR, J.)