

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

ANTICIPATORY BAIL APPLICATION NO. 2895 OF 2021

Ravindra Nabhiraj Patil

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

Adv. Dhruv Balan i/b. Adv. Tanvi G. Tapkir for the applicant

Adv. P. N. Dabholkar, APP for the respondent – State

Mr. D. S. Kolekar, PSI, MIDC, Koopawada police station present.

CORAM : NITIN W. SAMBRE, J.

DATED : 12th SEPTEMBER, 2022

P.C.:

1. Heard.
2. The Applicant is seeking pre-arrest bail in Crime No. 249 of 2021 registered with MIDC Sangali Police Station for the offence punishable under Sections 34, 406, 420, 468 & 470 of IPC.
3. The prosecution case against the applicant and other co-accused is the complainant Krishna retired from the armed services. The co-accused Bakul Shete appears to have sold plot no. 15 admeasuring 3119 sq.ft in favour of the complainant and during the said transaction the applicant was shown to be physically present.
4. After the registered sale deed was executed in favour of the

complainant, it was noticed that the suit property was occupied by 3rd person which has resulted into lodging of the offences of cheating, criminal breach of trust etc.

5. With the assistance of learned APP, I have perused the investigation papers. The contentions of the counsel for the applicant are, for allegation of physical presence, there is no material evidence to infer that the applicant has participated in the commission of the crime in question.

6. While countering the aforesaid submissions, learned APP has invited my attention to the investigation papers so also the order of the Sessions Court whereby the prayer of bail moved by the applicant was rejected.

7. I have appreciated the submissions.

8. While the transaction in question was executed in favour of the complainant, it is his case that the applicant was present on 11/11/2020.

9. The applicant is alleged to be the driver of the accused no. 1- Bakul Shete who has executed sale deed in favour of the complainant. But for the aforesaid role there is no material on record to infer that the applicant has actively participated in the crime in question.

10. In this background, in my opinion ad-interim protection order of this Court needs to be confirmed.

11. In the event of arrest of the applicant in Crime No. 249 of 2021 registered with MIDC Sangali Police Station, for the offence punishable under Sections 34, 406, 420, 468 & 470 of IPC, applicant be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

12. The applicant shall neither directly or indirectly influence the prosecution witnesses nor tamper with the evidence.

13. The applicant shall attend the Investigating Officer from 22/09/2022 to 29/09/2022 every alternate day between 10.00 A.M. and 12.00 Noon and thereafter as and when directed by the Investigating Officer.

14. The application stands disposed of.

(NITIN W. SAMBRE, J.)