

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

ANTICIPATORY BAIL APPLICATION NO. 1267 OF 2022

Mangesh Balasaheb Sukse	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Sanjeev P. Kadam a/w. Ms. Varsha Thorat
i/b. B.L. Jagtap for the Applicant.
Mr. M.G. Patil, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 06th MAY, 2022.

P. C. :-

. This is an Application under section 438 of Cr.P.C. for pre-arrest bail in C.R.No.779/2021 registered with Malad Police Station for offences punishable under sections 420, 406, 463, 467, 468, 471 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Sanjeev Kadam, learned counsel for the Applicant and Mr. M.G. Patil, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First

Information Report (FIR) lodged by Smt. Bhavna Pandya. A perusal of the FIR reveals that the complainant was desirous of purchasing residential premises. She came in contact with the co-accused Santosh. He assured that the MHADA flat was for sale for Rs.25,50,000/-. The complainant paid to the co-accused Santosh total amount of Rs.4,42,035/-. The co-accused informed the complainant that the Applicant herein was a MHADA officer. They also handed over allotment letter to her with the seal and signature of MHADA officer. The co-accused did not hand over the key of the premises. The complainant subsequently learnt that the allotment letter was forged and fabricated and that she was cheated. Hence, the FIR.

4. The records indicate that an amount of Rs.50,000/- which was paid by the complainant was deposited in the account of the present Applicant. Learned counsel for the Applicant, under instructions, states that the Applicant shall deposit Rs.50,000/- before this Court within a period of four weeks and that he will have no objection if the said amount is paid to the complainant. Statement is accepted.

5. In view of the above statement and considering the fact that the complainant has already entered into settlement with the co-accused,

in my considered view, this would not be a case for custodial interrogation. Hence, the Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.779/2021 registered with Malad Police Station, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for two days from 09/05/2022 between 11:00 a.m. to 02:00 p.m. ;

(c) The Applicant shall deposit Rs.50,000/- before this Court within a period of four weeks and produce the receipt of deposit before the Investigating Officer. The complainant is entitled to withdraw the said amount ;

(d) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant,

witnesses or any person concerned with the case in any manner ;

(e) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The Application stands disposed of.

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JAYANI

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Date: 2022.05.10
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(SMT. ANUJA PRABHUDESSAI, J.)