

Santosh

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

ANTICIPATORY BAIL APPLICATION NO. 1531 OF 2022

Santosh Babaji Gaikwad ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Vishal Laxman Kolekar, i/b Anuradha Joshi, for the
Applicant.

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

Mr. Mahadeo Jadhav, P.I., Poynad Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED: 13th JUNE, 2022

PC:-

1. This is an application for pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973.

2. Apprehending arrest in CR No.59 of 2022, registered with Poynad Police Station, District Raigad, for the offences punishable under Sections 420 and 506 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code"), the applicant has preferred this application for pre-arrest bail.

3. The indictment against the applicant is that the applicant had introduced Mr. Sandeep Dattatraya Patil (the First Informant) to Shyam Talreja, the principal accused, who allegedly induced the first informant to part with a sum of

Rs.15,10,601/- by falsely representing that the first informant would be provided a loan of Rs.10 Crore. The principal accused allegedly made the first informant to procure stamp-papers of each Rs.100/- denomination and also deliver 24 blank cheques drawn on an account maintained with Bank of Maharashtra.

4. Mr. Dabake, the learned APP, invited the attention of the Court to the statement of a witness, namely, Sanket Gaikwad, who subscribed to the prosecution version that the applicant had also received a part of the commission.

5. I have carefully perused the first information report. The allegations against the applicant are principally of introducing the first informant to the principal accused. One of the co-accused, namely Shabbir Mohammed, has been granted the benefit of pre-arrest bail, by an order dated 8th June, 2022.

6. In the backdrop of the nature of the allegations, which are primarily against the principal accused Shyam Talreja, the applicant has made out, a *prima facie* case for grant of pre-arrest bail. Custodial interrogation of the applicant, in the circumstances of the case, does not seem warranted.

Hence, I am inclined to exercise the discretion in favour of the applicant.

7. Thus, the following order:

: O R D E R :

- (i) The application stands allowed.
- (ii) In the event of arrest of the applicant in Crime No.59 of 2022 registered with Poynad Police Station, District Raigad, he shall be released on bail on executing PR Bond in the sum of Rs.20,000/- with one or more sureties in the like amount.
- (iii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer within seven days from today.
- (iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- (v) The applicant shall join the investigation as and when called.

[N. J. JAMADAR, J.]