

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

ANTICIPATORY BAIL APPLICATION NO. 1008 OF 2018

1) Mr. Vijay Narayan Divte
2) Mr. Kishore Yashwant Lotankar
3) Mr. Krishna Raghoji Palav Applicants
v/s.
The State of Maharashtra and anr. Respondents

**WITH
CRIMINAL APPLICATION NO. 958 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 1008 OF 2018**

Chandrakant Narayan Lad Intervenor

In the matter between :-

Vijay Narayan Divte and ors. Applicants
v/s.
The State of Maharashtra and anr. Respondents

Mr. Pranav Badhake a/w. Mr. Behzad Irani i/b K.N. Sonappa
for the Applicants.

Mr. S.H. Yadav, APP for the State.

Mr. Shrey Fatterpekar i/b. R.P. Ojha for Respondent No.2.

Mr. Sawant, PSI, Nirmal Nagar Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 02nd MAY, 2022.

P. C. :-

. This is an Application under section 438 of Cr.P.C. for pre-arrest bail in C.R.No.91/2018 registered with Nirmal Nagar Police Station for offences punishable under sections 420, 463, 465, 467, 468, 471 r/w.

34 of the Indian Penal Code.

2. Heard Mr. Badhake, learned counsel for the Applicants, Mr. S.H. Yadav, learned APP for the State and Mr. Shrey for Respondent No.2. 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) dated 15/03/2018 lodged by Mr. Chandrakant Narayan Lad. The allegations against the Applicants are that they have formed housing society without holding any General Body Meeting and provided forged and fabricated documents and submitted the same before Slum Rehabilitation Authority and thereby deceived the complainant – Society.

4. Mr. Badheka, learned counsel for the Applicants state that the Applicants have co-operated with the investigation and that they have been duly interrogated. Learned APP also submits that the investigation has been completed and charge sheet is likely to be filed.

5. At this stage, learned counsel for the Applicants states that by

order dated 10/07/2018 in Criminal Writ Petition No.2270 of 2018, this Court had directed the Investigating Agency not to file the charge sheet until further orders. Learned counsel for Respondent No.2 states that the stay order was in force and was in operation till 14/08/2018. The Investigating Agency to confirm the said fact before filing of the charge sheet. Since the investigation is already completed, presence of the Applicants is not required for custodial interrogation. Hence, the Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicants in C.R.No.91/2018 registered with Nirmal Nagar Police Station, they shall be released on bail on furnishing bail bonds in the sum of Rs.20,000/- each with one or two sureties in the like amount ;

(b) The Applicants shall report to the Investigating Officer as and when required by them ;

(c) The Applicants 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;

(d) The Applicants shall keep the Investigating Officer informed of their 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. Criminal Application No.958 of 2018 stands disposed of in view of disposal of Anticipatory Bail Application.

**PREETI
H JAYANI**

Digitally signed by
PREETI H JAYANI
Date: 2022.05.09
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(SMT. ANUJA PRABHUDESSAI, J.)