

Prajakta Vartak

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

ANTICIPATORY BAIL APPLICATION NO. 1907 OF 2022

Ashish Chandrakant Sarfare .. Applicant
Vs.
The State of Maharashtra & Anr. .. Respondents

Ms. Mallika A. Ingale for the applicant.
Shri. S. V. Gavand. APP for the State.

CORAM : BHARATI DANGRE, J.
DATE : OCTOBER 06, 2022.

P.C.:

1. In furtherance of the earlier order, though the complainant is not present, one of the other investors Ms.Archana Mhatre is present in the Court. On being asked whether she is ready to accept Rs.1,50,000/-, her answer is in the positive. The Investigating Officer, on instructions from the complainant, also makes a statement that the complainant will be satisfied, if at present an amount of Rs.1,50,000/- is paid to him.

2. When the complaint is perused, it can be seen that the allegation levelled against the present applicant along with one Prashant Narkar is of accepting certain amounts for the purposes of delivery of flats/residential premises from the Government quota. The allegation is that at the instance of the applicant, the complainant along with Ms. Archana Mhatre delivered two cheques of Rs. 7 Lakhs each and also

parted a sum of Rs.1,50,000/- each. It is alleged that the amount in cash as well as cheques were delivered to Ashish Sarfare (applicant) and since the cheques were blank, it is alleged that the present applicant scribed the name of Sai-Pratik Enterprises and one Sagar on these two cheques.

The learned APP on the instructions from the Investigating Officer states that the cheque was not credited in the account of the applicant but he is accused of accepting cash amount of Rs.3,00,000/-. Apart from this, the applicant is also alleged to have received Rs.25,000/- each at the initial stage. Since, the counsel for the applicant states that he is ready to pay Rs.3,50,000/- to the complainant Ganesh and Smt. Archana Mhatre within a period of two weeks, without prejudice to the rights and contentions and the defence which would be taken at the time of the trial, he deserves protection from arrest, considering his limited role in the complaint.

3. Since the main accused is not arrested and considering the limited role attributed to the present applicant and once statement is made that the amount shall be paid to the complainant and the victim within a period of two weeks in presence of the Investigating Officer, the application deserves to be allowed. Hence the following order:-

ORDER

(a) In the event of arrest, the applicant in connection with

C.R. No. 153 of 2022 registered with Naupada Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(b) The applicant shall report to the concerned police as and when called.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

The Application is allowed in the aforesaid terms.

(SMT. BHARATI DANGRE, J.)