

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2469 OF 2021

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NITIN
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Manish Vijay Dabhade

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Raviraj Paramane for the Applicant.

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

PI Prithviraj Ghorpade, NRI Coastal Police Station, Navi
Mumbai.

CORAM : C.V. BHADANG, J.

DATE : 28 FEBRUARY 2022

P.C.

1. The Applicant, apprehending his arrest, in connection with the investigation of Crime No. 220 of 2021 registered with NRI Coastal Police Station, Navi Mumbai under Section 420 of IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint lodged by Hitesh Chandrakant Jain. A perusal of the FIR shows that co-accused Yash Jain had represented to the informant that he can secure a mobile handset of One Plus, 9 Pro company at a concessional rate and accepted Rs.20,000/- from the informant. In the investigation, it was revealed that Yash Jain

has transferred the some amount to the account of Applicant. However, the informant did not receive any mobile phone, but a courier having onions, potatoes and some eatables. As such, the informant was cheated by the Applicant and the co-accused.

3. On 14.10.2021, this Court had directed that the Applicant shall not be arrested subject to the Applicant attending the concerned Police Station.

4. I have heard the learned counsel for the parties. Indisputably, the Applicant has reported to the Investigating Officer and has co-operated with the investigation. The learned APP, therefore, on instructions states that the custody of the Applicant is not required by the Investigating Officer. Even otherwise, the FIR prima facie shows that the representation was made by Yash Jain and the courier was also sent by co-accused Yash Jain and not by the present Applicant.

5. In such circumstances, the following order is passed:

ORDER

i) In the event of his arrest, in connection with the investigation of Crime No. 220 of 2021 registered with NRI Coastal Police Station, Navi Mumbai, the Applicant **Manish Vijay Dabhade** shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall report to the Investigating Officer on 7 and 8 March 2022 between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.

iii) The Applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

6. The Criminal application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)