

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2333 OF 2022

David Pedru Buthelo .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr. Keshav Chavan for the Applicant.

Ms. Anamika Malhotra, A.P.P. for the State/Respondent.

Mr. Sagar Patil, Nehru Nagar Police Station.

Lata Turves, complainant, present in the court.

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CORAM: BHARATI DANGRE, J.
DATED : 19th SEPTEMBER, 2022

P.C:-

1. The applicant face accusations in CR No. 283 of 2022 registered with Nehru Nagar Police Station, which invoke section 406, 420, 465 471 read with 34 of IPC.

The applicant is accused of promising the informant and her husband, that he shall arrange a MHADA room through BMC, and for that purpose she parted sum of Rs. 3,10,000/-. Even an allotment letter was handed over to her, but it was later on revealed that the said letter was forged one. On demanding the money back two cheques were issued, which were not cleared, and therefore on a complaint being lodged the applicant was arraigned as accused.

2. Heard learned counsel for the applicant, and learned APP for the state.

The complainant is personally present in the court and the Investigating Officer Mr. Sagar Patil, PSI, who is also present in the court, has identified her.

The counsel for the Applicant make a specific statement that an amount of Rs. 1,00,000/- has already been deposited with the complainant, after registration of the FIR. This statement is not disputed by her. During the course of hearing the counsel for the applicant has handed over a demand draft of Rs. 1,00,000/- dated 5/09/2022 to the complainant, which is received and acknowledged.

3. The counsel for the applicant make a statement that remaining amount of Rs. 1,10,000/- shall be cleared by him within a period of two months, by depositing the same amount in her account. Since there is a delay in payment, I deem it appropriate to top up the said amount with a sum of Rs. 10,000/-.

The learned counsel undertake that he shall deposit an amount of Rs. 1,20,000/- in two installments, which shall be in any case be cleared on or before 30/11/2022.

The above statement is acceptable to the complainant, and she

state that since the major amount is received by her, she trust the applicant on that count.

In case there is failure to deposit the amount, the complainant and prosecution are at liberty to seek cancellation of bail.

4. In the wake of the above, subject to the compliance of an assurance on part of the applicant that sum of Rs. 1,20,000/ shall be deposited in the account of the complainant, the details of which she has given to the counsel of Applicant, he deserve protection from arrest.

Hence the following order:

: ORDER :

(a) In the event of his arrest, applicant - David Pedru Buthelo shall be released on bail in connection with C.R.No. 283 of 2022 registered with Nehru Nagar Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.

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

(c) The applicant shall deposit a sum of Rs. 1,20,000/ within a period of two months in the account of the complainant, and the amount shall be deposited in no ways latter than 30/11/2022.

(d) The applicant shall report to the police station as and when required by the Investigating Officer.

5. Anticipatory Bail Application No. 2333 of 2022 is disposed off accordingly.

(SMT. BHARATI DANGRE, J.)