

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2789 OF 2021

Bhagwan Jagdish Jaybhaye ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Mainak Adhikary, for the Applicant.

Ms. P.H. Gaikwad APP for the State/Respondent.

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
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Date: 2022.06.28
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CORAM: N. J. JAMADAR, J.

DATED: 24th JUNE, 2022

ORDER:-

1. Heard the learned Counsel for the applicant.
2. This is an application for pre-arrest bail in connection with CR No. 937 of 2021, registered with Kondhwa Police Station, Pune for the offences punishable under Sections 420, 504, 506 r/w 34 of Indian Penal Code, 1860 ("the Penal Code"),
3. Mr. Umesh Nimbalkar, (the first informant) desired to construct an industrial shade on his land at Garava Hill, Bopdev Ghat, Pune. He entered into an agreement with Pooja Steel Furniture. The informant claims that, Sambhaji Dhekale, Sonali Dhekale and the applicant were the partners of the said firm. It was agreed that, Pooja Steel would erect the industrial shed at the cost of Rs. 32,93,573/-. The first informant was

induced to part with a sum of Rs. 17,00,000/- towards the erection of the industrial shed. Despite payment, no work was executed. Hence, realising that he was deceived the first informant lodged the report against Sambhaji Dhekale, Sonali Dhekale and the applicant. The applicant asserts that, he had no concern with Pooja Steel. He was neither a partner of M/s. Pooja Steel. Nor he executed the agreement. His role was that of a consultant designer for the erection of the industrial shed.

4. By an order dated 26th November, 2021, this Court was persuaded to grant interim pre-arrest bail.

5. I have perused the allegations in the FIR. Few facts become abundantly clear. One, the agreement was executed by Mr. Sambhaji Dhekale, the co-accused, on behalf of Pooja Steel. Two, the first informant credited the amount of Rs. 17,00,000/- in the account No. 201004180000140 of Pooja Steel maintained at Ashta Peoples Co-operative Ltd. Third, there is an apparent inconsistency as regards the jural relationship between the applicant and Pooja Steel. The terms “proprietor” and “partner” seem to have been used interchangeably.

6. The first information report does not indicate that the applicant made a false representation to the first informant and induced him to part with the amount. The allegations seem to be primarily against Sambhaji Dhekale. The learned counsel

for the applicant submits that, as per his instructions, the co-accused have been enlarged on bail.

7. For the foregoing reasons, I am implied to make the interim order of pre-arrest bail absolute. Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] The order of interim pre-arrest bail dated 26th November, 2021 is made absolute on the terms and conditions incorporated therein.
- 3] In addition, the applicant shall cooperate with the investigation and report to the Investigating Officer as and when directed.
- 4] The applicant shall regularly attend the proceedings before the jurisdictional Court.

[N. J. JAMADAR, J.]