

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

ANTICIPATORY BAIL APPLICATION NO. 1852 OF 2018

Rakesh Rambali Srivastav & Ors.

..Applicants

v/s.

The State of Maharashtra & Ors.

..Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1853 OF 2018**

Krishna Nathuram Akre & Anr.

..Applicants

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. Vinay Bhanushali for the Applicant in ABA/1852/2018.

Mr. Karan Mehta a/w. Sneha Mishra for the Applicant in ABA/1853/2018

Mrs. A.A.Takalkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 11th APRIL, 2022.**

P.C.

1. These applications under Section 438 Cr.P.C. have been filed by the aforesaid Applicants for pre-arrest bail, apprehending their arrest in C.R.No. 447 of 2017 registered with Versova Police Station for offences under Section 420, 465, 468, 471, 441, 448, 454, 504, 506 r/w. 34 of Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by one Pravin Walinjkar. It is the case of the Complainant that one Varendra Singh Bahara had told him that the flat No. C-701 in Mangela

Co-op. Housing Society, which was in the name of one Gurmeetsingh Gill (i.e. the co-accused) was for sale. The Complainant agreed to purchase the said flat and paid Rs.13 lakhs, and he was put in possession of the said flat. Said Gurmeet Singh did not execute sale deed in favour of the Complainant. However, he executed a Power of Attorney in favour of the Complainant on 11.08.2017. The Complainant had inducted tenants in the said flat. He subsequently learnt that the co-accused had sold the flat to Applicant Rakesh Srivastav. Hence he lodged a complaint against Gurmitsingh Gill, Applicant- Rakesh Srivastav and others for cheating and other offences.

3. Prima facie, there is no material on record to indicate that the Applicant Rakesh Sharma and other Applicants are involved in cheating the Complainant.

4. Considering the above facts and circumstances, this Court had granted interim bail to these Applicants on 19.09.2018. They have reported to the Investigating Officer and have been duly interrogated.

5. Learned APP states that the Applicants have co-operated with the investigation and that the investigation is completed and chargesheet will be filed within fifteen days. It is thus evident that the presence of the Applicants is not required for the purpose of interrogation, much less, custodial interrogation. Hence the Applications are allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R.No. 447 of 2017 registered with Versova Police Station, the Applicants be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) each with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.
- (ii) The Applicants shall provide their permanent as well as temporary address, if any, and his contact details to the Investigating Officer.
- (iv) The Applicants shall not change their residential address without prior intimation to the Investigation Officer.
- (v) The Applicants shall not interfere with the complainant and the other witnesses, or tamper with the evidence in any manner.

PRASANNA P
SALGAONKAR

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by PRASANNA P
SALGAONKAR
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(ANUJA PRABHUDESSAI, J.)