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

ANTICIPATORY BAIL APPLICATION NO.3136/2022

DIPESH DILIP SARODE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Meghdeep Oak a/w. Mr. Shashank Shubham, Mr.
Diptendra Bose for the applicant.
Ms. A. A. Takalkar, APP for State.
Mr. Lalit Warkade, PSI, Valiv Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 8, 2022.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. The officer of the concerned police station is present to instruct learned APP.
3. In terms of the order dated November 30, 2022, the applicant has attended the Investigating Officer.
4. Learned APP, on instructions, fairly submits that the main accused is the accused no.2. The facts of the case are briefly stated in the order dated November 30, 2022 while

granting interim protection. The relevant portion reads thus:-

"2. The applicant is accused No.1 in respect of C.R. No.1029 of 2022 registered with Valiv Police Station, Vasai for the offence punishable under Sections 420, 465, 467 and 468 of the Indian Penal Code, 1860 and under Sections 66C and 66D of the Information Technology (Amendment) Act, 2008.

3. It is alleged that the accused No.2 proposed to start a partnership of issuing ration card of the people living in the area through the government portal named 'Aaple Sarkar' which would benefit both the complainant and the accused No.2. The accused No.2 sought Rs.1 lakh for investment as a government fee from the complainant. Accused No.2 informed the complainant that the said portal is provided by the Excise Department of Mantralaya and various licenses can be renewed subject to the payment of fees through the said portal and introduced the complainant to Mr. Jatin Pawar.

4. It is the prosecution case that the applicant (accused No.1) is in fact Mr. Jatin Pawar. The materials on record indicate that the telephone number belonging to the accused No.1 is used for contacting the complainant. Everything has been facilitated by the accused No.2 and there is nothing to indicate that

the accused No.1 is the beneficiary of any money from the complainant. Accused No.2 was arrested.”

5. No amount has been transferred in the account of the applicant and the applicant is not a beneficiary. The entire transaction is done by the applicant no.2, as revealed during the investigation. The accused no.2 is already arrested. The only allegation is that mobile phone of the applicant was used for contacting the complainant. Apart from this, there is no material to indicate that the applicant had in any manner facilitated the commission of the said offence. In this view of the matter, as the applicant has co-operated with the investigation, the custodial interrogation of the applicant is not required.

6. The interim order dated November 30, 2022 while granting interim protection to the applicant stands confirmed in the following terms:-

(a) In the event of arrest of the applicant in connection with C.R. No.1029 of 2022 registered with Valiv Police Station, Vasai, the applicant– Dipesh Dilip Sarode be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in

the like amount.

(b) The applicant shall report to the Investigating Officer as and when called.

(c) The applicant shall not tamper with the evidence or give threat or inducement to any of the prosecution witnesses.

7. The application is disposed of.

(M. S. KARNIK, J.)