

Darshan Patil

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

ANTICIPATORY BAIL APPLICATION NO.3587 OF 2022

GAURAV ANIL CHAPHEKAR	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Ganesh Gupta for applicant.
Mr. S.V. Gavand, APP for State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 23, 2022.

P.C. :

1. Heard learned counsel for applicant and learned APP.
2. This is an application for pre-arrest bail. The applicant is apprehending arrest in connection with C.R. No. I-277 of 2019 registered with Arnala Police Station for the offence punishable under sections 420 and 34 of the Indian Penal Code, 1860.
3. It is an allegation of the informant that the amount of Rs.6,70,000/- was paid by the informant to the applicant for booking of accommodation. Neither the accommodation was booked nor the money was returned. Before the trial Court,

the submission was made that the applicant is willing to repay the amount to the informant and his friends. Learned counsel for the applicant stated that the applicant is willing to abide by the statement. Learned counsel for the applicant further stated that the amount will be paid within 3 months from today. Statement accepted. Learned counsel for the applicant further assures that out of the said sum of Rs.6,70,000/-, sum of Rs.1,00,000/- will be paid to the complainant within a period of 1 week from today. Statement accepted.

4. Learned APP further makes a grievance that despite directions to the applicant to attend in pursuance of notice issued under section 41A of Code of Criminal Procedure, 1973, the applicant failed to remain present. Learned counsel for the applicant stated that his absence was due to some misunderstanding and he is always willing to cooperate. In this view of the matter, the applicant can be granted pre-arrest bail. Hence the following order.

ORDER

(a) In the event of arrest of the applicant in connection with C.R. No. I-277 of 2019 registered with Arnala Police Station, the applicant Gaurav Anil Chaphekar, 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 not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;

(c) The applicant shall report to the Investigating Officer of the concerned Police Station on 27/12/2022, 28/12/2022 and 29/12/2022 between 10.00 am and 12 noon and thereafter as and when called.

(d) If there is any default in the payment of Rs.1,00,000/- within a period of 1 week or in case the entire amount is not paid within the time granted, then

the informant or prosecution may apply for cancellation of bail granted.

(e) This payment is without prejudice to the rights in the proceeding for recovery of the interest or compensation that may be filed by the complainant.

5. The application is disposed of.

(M. S. KARNIK, J.)