

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

ANTICIPATORY BAIL APPLICATION NO. 461 OF 2023

1) Tejas Sagar Ghadigaonkar	
2) Vinod Girdhar Parmar	
3) Elton Peter Noronhna	
4) Nilesh Vishwanath Avghade	..Applicants
VS.	
The State of Maharashtra	..Respondent

Adv. Vaibhav Kadam a/w Adv. Sameer Parkar a/w Adv. Yash Fadtare for the Applicants.

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

PSI – A.K. Hadal, Kankavli Police Station, Dist. Sindhudurg.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 17, 2023

P.C. :

- 1.** Heard learned counsel for the applicants and learned APP for the State.
- 2.** This is an application for pre-arrest bail by the applicants in connection with C.R. No.22 of 2023 dated 25/01/2023, registered with Kankavali Police Station, under sections 420 and 34 of the Indian Penal Code, 1860.
- 3.** It is the allegation of the complainant that the applicants promised to construct 3 bungalows within 18

months. Believing the assurance given by the applicants, complainants deposited Rs.36,00,000/- by different cheques with the applicants. It was later realised that there was no ongoing construction activity and even the land was not transferred in favour of the applicants. The complainant demanded the return of their money. An amount of Rs.18,00,000/- was returned by the applicants. The applicants had agreed to return the balance amount of Rs.18,00,000/- alongwith the interest of Rs.1,80,000/-. However, the cheques amounting to Rs.19,80,000/- were dishonoured. The complainants have filed proceedings under section 138 of the Negotiable Instrument Act, 1881 ("NI Act" for short) in respect of the cheques which were dishonoured to the extent of Rs.19,80,000/- before the competent Court and the proceedings are pending.

4. Upon hearing the learned counsel for the applicants and learned APP and upon perusing the accusations in the First Information Report, it is seen that the amount of Rs. 18,00,000/- had admittedly been returned by the applicants. Learned counsel for the applicants, on instructions, states that an amount of Rs. 3,00,000/- will be paid to the

complainant on or before next Thursday i.e. 23/02/2023 and receipt thereof will be produced before the Investigating Officer. The statement is accepted as an undertaking to this Court. For the balance amount, the proceedings under section 138 of the NI Act are pending. The custodial interrogation is not required. Hence, the following order.

ORDER

(a) In the event of arrest of the applicants- Tejas Sagar Ghadigaonkar, Vinod Girdhar Parmar, Elton Peter Noronhna and Nilesch Vishwanath Avghade, in connection with C.R. No.22 of 2023, registered with Kankavali Police Station, shall be released on bail, on his furnishing P.R. Bond of Rs.15,000/- each with one or more sureties in the like amount;

(b) The applicants 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 applicants shall not tamper with evidence;

(c) The applicants shall report to the Investigating Officer on 21/02/2023 and 22/02/2023 between 11.00 a.m. and 1.00 p.m and thereafter as and when called;

(d) The applicants shall abide by the undertaking given to this Court and in case of breach of the undertaking, learned APP/ complainant is at liberty to apply for the cancellation of the anticipatory bail granted to the applicants.

5. The application is disposed of.

(M. S. KARNIK, J.)