

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 626 OF 2021

Sunil D. Patil ...Applicant
V/s.
State of Maharashtra ...Respondent.

Mr. Siddhsen Borulkar i/b Mr. A.P. Pawar for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 07.02.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.

2. On 5 March 2021, this Court passed the following order:

"1. The Applicant is seeking anticipatory bail in connection with C.R.No. 758 of 2020 registered with Shahapuri Police Station, Kolhapur, on 10/12/2020, under sections 420 and 406 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Nilabh Toshnival, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Asif Punekar. He has stated that, in January 2020 one Avishkar Sunil Patil came to reside near his house. He had taken that place on rent. The present applicant is Avishkar's father. It is alleged in the F.I.R. that said Avishkar Patil was friendly with many people in the colony. He represented to them that the applicant was working as Assistant Manager

with Reserve Bank of India in the clearing department. He represented to them that he had good contacts in Multi chain shops and that he could get any electronic article at 50% concession. Based on this representation and getting impressed by his inducement, the informant and others transferred money in his account. The allegations are that, total amounts of more than Rs.14 lakhs were transferred in his account, but no goods were given by him and this money was misappropriated. On this basis, the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that, all the allegations are directed towards the applicant's son. The applicant has not made any representation and he has not even met any of the victims. He submitted that the applicant was a public servant and as on today he is retired. He is a senior citizen. He submitted that, the applicant should not be punished for the alleged acts of his son.

5. Learned APP does not have instructions and he is seeking time.

6. Considering the request made by the learned APP, today I am adjourning the matter. However, taking into consideration the submissions made by learned counsel for the applicant, today I am protecting the applicant by way of interim order.

7. Hence, the following order :

O R D E R

(I) In the event of his arrest in connection with C.R.No. 758 of 2020 registered with Shahapuri Police Station, Kolhapur, till the next date, the Applicant be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) This order shall operate till 08/04/2021.

(iii) Stand over to 08/04/2021.

3. The learned APP on instructions submits that the prosecution has filed the charge-sheet against the present

applicant and other co-accused. It is not disputed that the applicant was government servant. There are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to allow the present application. The interim order passed by this Court on 5 March 2021 is hereby confirmed.

4. Anticipatory Bail Application is disposed of.

[N.R.BORKAR, J.]