

Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2404 OF 2022

Anil Dattatraya Kachare

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Chandrakant Chavan i/b Ms. Priti Shinde, for Applicant.

Mr. S. H. Yadav, APP for State.

Ms. Gayatri Takalkar, for Respondent No. 2.

CORAM:- N. J. JAMADAR, J.

DATED:- 12th DECEMBER, 2023

PC:-

1) Heard the learned counsel for the applicant and the learned APP for the State.

2) This application is preferred for pre-arrest bail in connection with C.R. No. 263 of 2022, registered with Phaltan Police Station, Satara, for the offences punishable under Sections 406, 420, 464, 465 and 468 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3) The applicant and the co-accused had allegedly induced the first informant – Respondent No. 2 and her husband to part with a sum of Rs.8,00,000/- by making a false representation that the son of the first informant would be secured an employment in Railways. Out of the said amount, a sum of Rs.4,00,000/- was allegedly paid to the co-accused - Shivaji Mane. Rs. 4,00,000/- was paid to the applicant in two tranches. The first informant further alleged that a forged appointment letter was also given to her son.

4) When the application was listed before the Court, by an order dated 5th September, 2022, the applicant was directed to deposit a sum of Rs.4,00,000/- to show his bonafides and, subject to the deposit of the amount, interim protection came to be granted.

5) Eventually, the applicant deposited the amount of Rs.4,00,000/- in the Court of Session at Satara. Notice was issued to the first informant – respondent No. 2.

6) The learned Counsel for the respondent No. 2 submits that the respondent No. 2 may be permitted to withdraw the amount which has been deposited by the applicant in the Court of Session at Satara.

7) The applicant was allegedly paid a sum of Rs.4,00,000/-. The applicant has set up another transaction between the applicant and the husband of the first informant. Nonetheless, since the amount which was paid to the applicant has been deposited and the applicant has been on interim protection since 5th September, 2022, at this length of time, further custodial interrogation of the applicant does not seem to be warranted.

8) The learned APP submitted that a forged appointment order was allegedly issued. However, in the FIR, there is no clarity as to which of the accused had allegedly issued the forged appointment order.

9) Since the applicant is not averse to the first informant – Respondent No. 2 withdrawing the said amount of Rs.4,00,000/- subject to the outcome of the proceedings arising out of CR No. 263 of 2022, I am inclined to grant the application.

10) Hence, the following order:-

ORDER

I) In the event of arrest of the applicant in connection with C.R. No. 263 of 2022, registered with Phaltan Police Station, Satara, for the offences punishable under Sections 406, 420, 464, 465 and 468 read with Section 34 of Indian Penal Code, 1860, the applicant be released on

bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

II) The applicant shall co-operate with the investigation and attend Phaltan Police Station, Satara as and when directed by the Investigating Officer.

III) The applicant shall regularly attend the proceedings before the jurisdictional Court.

IV) The amount of Rs.4,00,000/- deposited by the applicant in the Court of Session, Satara on 6th September, 2023, be paid to the first informant – respondent No. 2 on proper identification subject to an undertaking that respondent No. 2 will bring back the said amount in the event of an order by any Court.

V) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

VI) The application stands disposed.

[N. J. JAMADAR, J.]