

PMB

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

ANTICIPATORY BAIL APPLICATION NO.47 OF 2023

PRAKASH VASANT KASAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

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BHOGALE
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Mr. Benim Adhav Goswami for applicant.

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

Mr. Sanjay Jagtap, API, Kasarvadavali Police Station, Thane
is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 7, 2023.

P.C. :

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

2. This is an application for pre-arrest bail in respect of
the offence punishable under Sections 419, 420, 465, 467,
468, 471 read with Section 34 of the Indian Penal Code,
1860 in connection with C.R. No.I-244 of 2021 dated
15/07/2021 registered with Kasarvadavali Police Station,
Thane.

3. The date of the incident is 31/10/2017. The date of
the FIR is 15/07/2021. In all there are three accused. The

applicant is accused No.3. The dispute pertains to the development rights in respect of Defence Civil Line Co-operative Housing Society Limited. One Yogendra Pancham Kamble was the Chief Promoter. However, there were some disputes between two groups of the society. It is alleged against the applicant and other accused that they collected a sum of Rs.6 lakhs on the pretext that complainant/the builders would be given the development rights in respect of the said society. Accordingly, the applicant in his capacity as a Treasurer opened the bank account where the said amount of Rs.6 lakhs was deposited. The incident is of 31/10/2017.

4. Learned counsel for the applicant submitted that there is a dispute between two groups who are claiming to be the promoters and the applicant belongs to the group of Yogendra Kamble at whose behest the accounts were opened. To show the bonafides, the applicant without prejudice to his rights and contentions is willing to deposit an amount of Rs.6 lakhs before the Judicial Magistrate First Class, Thane within a period of four weeks from today.

Statement is accepted. The custodial interrogation in such view of the matter is not necessary. There are no criminal antecedents reported against the applicant. Learned counsel for the applicant submits that the applicant is willing to co-operate with the investigation. The statement that the amount of Rs.6 lakhs will be deposited by the applicant with the Judicial Magistrate First Class, Thane within four weeks from today is accepted as an undertaking to this Court. The receipt of such deposit be produced with the Investigating Officer.

5. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) In the event of arrest in connection with FIR No.I-244 of 2021 registered with Kasarvadavali Police Station, Thane, the applicant-Prakash Vasant Kasar shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall report to the concerned police station on 09/01/2023, 10/01/2023 and 11/01/2023 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called.

(d) The applicant to co-operate with the Investigating Officer.

(e) The applicant 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 and shall not tamper with evidence.

(f) The applicant shall furnish the details of his residential address and phone number to the investigating officer.

(g) The applicant to abide by the statement recorded hereinbefore.

(h) If the amount is not deposited, it is open for the prosecution to apply for cancellation of anticipatory bail.

6. The Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)