



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

ANTICIPATORY BAIL APPLICATION NO. 264 OF 2023

Chandan Kailash Singh ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Sakshi Bhanushali, i/b Hedgehog and Fox LLP, for the
Applicant.

Mr. M. G. Patil, APP for the State/Respondent.

Mr. J. A. Shaikh, API, Tulinj Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 18th OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.787 of 2022, registered with Tulinj Police Station, Mira-Bhayander, Vasai-Virar, for the offences punishable under Section 420 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. The first informant had a room in Nandlal Chawl which went in redevelopment. In the redeveloped building a room on the sixth floor being No.602 was agreed to be allotted to the first informant. Brijesh Yadav, accused No.1, was the

developer, who was constructing the said building No.4. In the month of October, 2020, accused No.1 allegedly informed the first informant to approach the applicant as the construction of the said building was entrusted to the applicant. The first informant claimed to have parted with a sum of Rs.40,000/- for the internal work. Later on, it transpired that the said room was transferred to Sapna Bhanat by executing a registered instrument at the instance of one Rajesh Yadav.

4. The learned Counsel for the applicant submitted that the applicant had no concern with the transaction between the first informant and the original builder.

5. The learned APP invited the attention of the Court to an Agreement purported to be executed on 1st February, 2023 between Anuj Udaybhan Singh and the first informant.

6. *Prima facie*, it does not appear that the applicant is a party to the said agreement. The applicant seems to have come in the frame at a later point of time.

7. *Prima facie*, the question as to whether the applicant induced the first informant to part with a sum of Rs.70,000/-

towards society charges and made a false representation to transfer room in building No.4 appears to be debatable.

8. By an order dated 27th January, 2023 this Court had granted interim protection. I am, therefore, inclined to exercise the discretion in favour of the applicant.

9. Hence, the following order.

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.787 of 2022, registered with Tulinj Police Station, Mira-Bhayander, Vasai-Virar, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Tulinj Police Station on 30th and 31st October, 2023 in between 10.00 am. to 1.00 pm. and thereafter as and when directed.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.

- (iv) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.
- (v) Application stands disposed.

[N. J. JAMADAR, J.]