

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 354 OF 2020**

Tushar Pandharinath Chaudhari ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 355 OF 2020

Nilesh Prabhakar Kolhe ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

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Mr. Sumit Raghani a/w Mr. Ramsing Rajput i/b Agrud Partners for the Applicants.

Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 14 FEBRUARY 2023

P.C. :-

The applicants, who are accused in Crime No. 751 of 2018 registered at Wakad Police Station for the offences punishable under Sections 420 r/w 34 of the Indian Penal Code have filed these applications under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. On 22 November 2021, this Court passed the following common interim order:

“1. In an offence which is registered with Wakad Police Station in the year 2018, the applicants are accused of the offences punishable under Section 420 read with Section 34 of the Indian Penal Code. When the complaint filed by the complainant Rohit Nagdeve is carefully read it alleges that the applicants induced him to deposit an amount of Rs.3,00,000/- and assured him that it would give him profit. On such a promise being made, he handed over an amount of Rs.3,00,000/- is the complaint.

2. The counsel for the applicants states that the applicants are ready to deposit an amount of Rs.3,00,000/- jointly in this Court and if an offer comes from the complainant, the matter can even be settled. She seeks time of six weeks to deposit the amount in the Court.

3. I deem it appropriate to accept the said offer. This is how ever subject to the complainant agreeing to accept the said amount and is desirous of not prosecuting the said complaint.

4. In any case looking into the level of allegations faced by the applicants, I deem it appropriate to release the applicants on bail in the event of their arrest subject to honouring the aforesaid undertaking i.e. depositing the amount of Rs.3,00,000/- jointly in this Court within a period of six weeks from today. At the same time, it is necessary to bring the complainant here. Hence, issue notice to the complainant. Notice is made returnable on 10.01.2022. The complainant shall be informed about his impleadment in the bail application through the Investigating Officer.

Order

(a) Issue notice to the complainant. Notice is made returnable on 10.01.2022;

(b) In the event of their arrest, the applicants

shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- each with one or two sureties of the like amount. However, this shall be subject to their depositing the amount of Rs.3,00,000/- jointly within a period of six weeks from today in this Court;

(c) Applicants shall report to the concerned police station as and when called for; and

(d) Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade them from disclosing the facts to Court or any Police Officer and should not tamper with evidence.”

3. It appears that pursuant to the above order, the applicants have deposited the amount of Rs. 3 Lakhs.

4. The learned APP on instructions submits that the prosecution has already filed charge-sheet against the present applicants. Considering the overall facts and circumstances, I am inclined to allow the present applications. The interim order passed by this Court 22 November 2021 is hereby confirmed.

5. Applications are disposed of.

(N.R. BORKAR, J.)