

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

**ANTICIPATORY BAIL APPLICATION NO.581 OF 2023**

Amit Chintaman Patil

..Applicant

VS.

The State of Maharashtra and anr.

..Respondents

Adv. Rishi Bhuta a/w Adv. Ashvin Bhalekar a/w Adv. Ankita Bamboli for the Applicant.

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

API-Bhalchandra Shinde, MHB Colony Police Station present.

**CORAM : M. S. KARNIK, J.**

**DATE : MARCH 1, 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 406, 420 read with Section 34 of the Indian Penal Code, 1860 in connection with C.R. No.32 of 2023 dated 20/01/2023 registered with MHB Colony Police Station.

**3.** The allegation is that the complainant had invested a sum of Rs.1,50,00,000/- in the year 2014 with one estate

agent Mr. Manish Ved in the project of which the applicant was a partner. It is alleged that the complainant was promised six flats. It was later revealed that these six flats were sold to other persons and thus the complainant was cheated. The applicant is arraigned as the accused in his capacity as a partner of the firm.

**4.** A notice under Section 41-A of the Code of Criminal Procedure was issued to the applicant.

**5.** Learned APP on instructions of the Investigating Officer submits that the applicant attended and co-operated with the investigation.

**6.** The proceedings on record prima facie reveals that the applicant had resigned from the partnership on 01/07/2016. The applicant is not the signatory to any of the agreement. It is material to note that six cheques were issued by the other partner to the complainant amounting to Rs.1,50,00,000/- which turned out to be bogus. The applicant is not the signatory to any of the cheques. In fact there are disputes between the applicant and other partners. Considering the materials on record, prima facie it

appears that the applicant was not the one who was actively involved in the negotiation with the complainant and the subsequent transfer of these six flats to third persons. Even learned APP, on instructions of the Investigating Officer submits that the applicant is co-operating with the investigation. In my opinion, the custodial interrogation of the applicant is not required. The applicant to fully co-operate with the investigation.

**7.** Hence, the following order :-

**ORDER**

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R. No.32 of 2023 dated 20/01/2023 registered with MHB Colony Police Station, the applicant-Amit Chintaman Patil 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 Investigating Officer of the concerned police station 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.

**8.** The Anticipatory Bail Application stands disposed of.

**(M. S. KARNIK, J.)**