

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

ANTICIPATORY BAIL APPLICATION NO. 603 OF 2022

Nandkishor Dattaram Badambe ...Applicant

vs.

The State of Maharashtra ...Respondent

**WITH
INTERIM APPLICATION NO. 849 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 603 OF 2022**

Bhkaji Anant Satam ...Applicant

In the matter between

Nandkishor Dattaram Badambe ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr.N.V.Gangal a/w Mr.Ashok Kadam i/b. Ms.Namita Mestry –
Advocates for Applicant in ABA No. 603 of 2022.

Mr.Onkar Gawade – Advocate for Applicant in IA No. 849 of 2023.

Mr.A.R.Kapadnis – APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 17th APRIL, 2023

P. C. :-

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1. The First-Informant wants to intervene in this matter.
2. Heard the learned Counsels for the respective parties. Let the

First-Informant be allowed to intervene. Application is disposed of. It is submitted on behalf of the First-Informant that he does not want to file additional documents.

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3. Heard learned Advocate for the Applicant, learned Advocate for the First-Informant and learned APP for the Respondent-State.

4. According to learned Advocate Shri.Gangal, FIR has been filed belatedly and in fact, there is no document to show that this Applicant has agreed to sell a room or flat to the First-Informant or other victims. According to him,when huge amount is alleged to be paid in cash and for the cheque amount, there are no supporting documents.

5. He submitted that other Accused in the FIR have been granted regular bail by the Court of JMFC. He placed on record two of such orders.

6. He has taken different stand. According to him, the First-Informant is his customer and the Applicant is running legal online lottery business and towards that, the First-Informant owes an amount to the Applicant. As per the instructions, it is submitted that the First-Informant has paid only Rs.2,95,000/- by way of cheque.

All other payment of the amount as mentioned in the F.I.R., is denied. He also submitted that there are also NC complaints and a private complaint lodged against the First-Informant and others. They are on Page No.54 and 55 and Page No.46.

7. In such type of matters, this Court has expressed view and in support of that, there is reliance on an order passed by this Court in ***Pradnya and Another V/s. State of Maharashtra and Another***¹.

8. Learned APP submitted that the First-Informant and other victims are poor persons and the present Applicant has misrepresented them about sale of rooms / flats and in fact, some agreements are registered and those persons have attended the Sub-Registrar Office for the purpose of registering an agreement for sell. Whereas, in fact, the agreement for leave and license are registered. Some of the copies are shown to me.

9. They are electricity bills annexed to those agreements and when the Investigating Officer made correspondence with the board, it was found that the consumer number mentioned in the bill does not exist in that area. A chart shown to me showing various victims and the amounts collected by the Applicant. learned Advocate for the

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First-Informant invited my attention to the observations made by the Court of Additional Sessions Judge thereby denying the anticipatory bail and according to him, it is unsupported.

10. After hearing both the sides, when this Court has made it clear that case for confirmation of the anticipatory bail is not made out, after taking instructions, learned Advocate Shri.Gangal submitted that let liberty be granted to the Applicant to surrender before the Police within two weeks. So, instead of making any observations, it is accepted.

11. Let the Applicant to surrender before the concerned Police Station within two weeks from today. In view of that, Application is disposed of. The Applicant is at liberty to apply for regular bail before the Court of JMFC and same to be decided uninfluenced by above observations.

[S. M. MODAK, J.]