

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO. 749 OF 2023

Ramakant Mangobinda Parida & Anr ... Applicants

V/s.

The State of Maharashtra & Anr ... Respondents

Mr. Kartik S. Garg a/w Ms. Prajakta Kadu, for the
Applicant.

Mr. Rahul Arote, for Respondent No.2.

Mrs. Veera Shinde, APP for the State-Respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : JUNE 22, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.156 of 2022 registered with Kharghar police station, Navi Mumbai for the offences punishable under Sections 420, 406, 467, 468, 471 r/w 34 of the Indian Penal Code, 1860 (for short 'IPC'), has filed present anticipatory bail application seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.).

2. According to the prosecution, the informant is an Advocate who has rendered legal services to applicant No.1. Applicant No.2 is the wife of the applicant No.1. According to the informant he parted amount of Rs.34 lakhs for purchase of immovable property in an auction to be conducted by the bank. Despite, repeated request the amount was not paid. Moreover, he prepared bogus

Memorandum of Understanding (MOU). Therefore, the informant filed complaint against applicants. The applicant No.1 has criminal antecedents. Applicants, therefore, filed application under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 4 March 2023. Aggrieved thereby, the applicants have filed the present anticipatory bail application.

3. This Court by order dated 13 March 2023 granted protection to applicants from arrest.

4. On perusal of the material on record, it appears that there are some financial transactions between the informant and applicants. At this stage, there is no material on record even contemporaneous electronic record to show that the informant parted that amount of Rs.34 lakhs. The amount is allegedly paid in cash. The reason for payment as stated in report is for purchase of immovable property in an auction to be held by the bank. However, in statement dated 11 November 2021, which forms part of charge-sheet in a preliminary inquiry conducted by the Economical Offence Wing (EOW), the informant has stated amount of Rs.35 lakhs having his legal dues towards legal services provided by him. Therefore, considering nature of transaction and past transactions between the parties, and nature of allegations made against the applicant, custodial interrogation of the applicants is not required. Hence, following order:

a) In the event of arrest of applicants in connection with C.R. No.156 of 2022 registered with Kharghar police station, Navi Mumbai for the offences punishable under Sections 420, 406, 467,

468, 471 r/w 34 of IPC, they be released on bail on furnishing PR. bond of Rs.50,000/- each, along with one or two sureties in the like amount.

b) Applicants shall remain present before the concerned police station on 26th, 28th and 30th June, 2023 between 11:00 am to 2:00 pm thereafter, as and when called by the investigating officer.

c) Applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) Applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) Applicants shall, at the time of execution of the bond, furnish their address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

5. The anticipatory bail application stands disposed of.

(AMIT BORKAR, J.)