



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

ANTICIPATORY BAIL APPLICATION NO.798 OF 2023

Prasad Chandrakant Pradhan ... Applicant
versus
The State of Maharashtra and Anr. ... Respondents

Mr. Saurabh Butala, for Applicant.
Smt. Ashwini A. Takalkar, APP for State.
Ms. Minal Chandnani i/by J.S.Chandnani Associates, for Respondent No.2.
Mr. Hanumant Shinde, API, Neral Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 11 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.287 of 2022 registered with Neral Police Station for the offences punishable under Sections 120B, 420, 406, 467, 468, 471 read with Section 34 of the Indian Penal Code.
3. By an order dated 16 March 2023, this Court was persuaded to grant interim protection. On that day, a statement was made on behalf of the applicant that the applicant was ready and willing to pay an amount of Rs.55 Lakhs to the first informant.
4. When the matter was listed before the Court on 9 October 2023, it was submitted on behalf of the first informant that, in fact, an amount of Rs.75 Lakhs had

been paid to the applicant. The learned Counsel for the applicant had then sought time to take instructions as to whether the applicant was willing to deposit a sum of Rs.75 Lakhs.

5. Today, the learned Counsel for the Applicant, on instructions, submits that the applicant is willing to deposit a sum of Rs.75 Lakhs in this Court without prejudice to the rights and contentions of the applicant, within a week's time.

6. Let the applicant deposit the said amount of Rs.75 Lakhs in this Court without prejudice to the rights and contentions of the applicant within one week.

7. The indictment against the applicant is that the first informant was induced to part with a sum of Rs.125 Lakhs by making a representation that the land bearing Survey No.175/45, 175/46, 175/47 and 175/48 would be sold to him for a consideration of Rs.2 Crores. The applicant had represented that a suit was then pending before the Civil Court between the applicant and co-accused Ganesh Ananta Ghare and, upon the first informant parting with consideration, the applicant would withdraw the said suit. Eventually, it is turned out that the applicant was a Power of Attorney holder of the original owners and the applicant had no authority to accept the consideration on behalf of the original owners – Madhukar and Chandrakant Pradhan. An interim order not to create third party interest in the said land was also passed in the said suit. Yet the applicant had accepted an amount of Rs.75 Lakhs from the first informant.

8. In the backdrop of the aforesaid nature of the accusation it, prima facie, appears that the question as to whether the intention of the applicant was dishonest since the inception of the transaction or it was a case of the failure to perform the promise on account of the supervening circumstances, would warrant consideration.

9. Since the applicant had been on interim protection and had also shown willingness to deposit a sum of Rs.75 Lakhs, without prejudice to the rights and contentions of the applicant, I am inclined to exercise the discretion in favour of the Applicant.

10. The learned Counsel for the first informant submitted that the first informant had been put in possession of the subject lands and is willing to pay the balance consideration and get the instrument executed. It would be suffice to note that the parties would be at liberty to work out appropriate remedies before the appropriate forum.

11. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Prasad Chandrakant Pradhan in connection with C.R.No.287 of 2022 registered with Neral Police Station, 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 co-operate with the investigation and report

to Neral Police Station on 16th, 17 and 18th October 2023 in between 10.00 a.m. to 1.00 p.m.

(iii) The Applicant shall file proof of payment in the registry within a period of 10 days.

(iv) The Applicant not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

(v) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(vi) The application stands disposed.

(N.J.JAMADAR, J.)