

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

ANTICIPATORY BAIL APPLICATION NO. 917 OF 2023

Sciddhartha Prakash Naik

... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Sunny Aaron Waskar a/w. Mr. Shamish Marwadi
i/b. Harshada V. Morey for the Applicant.

Mr. S.V. Gavand, APP for the State.

Mr. Vilas Tambe, PSI, Dindoshi Police Station, Mumbai.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 26th APRIL, 2023.

P. C. :-

. This is an application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.80/2023 registered with Dindoshi Police Station, Mumbai for offences punishable under sections 406 and 420 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by Parmeshwar Butenath Waghmare. It is alleged that the Applicant herein had induced the Complainant in making payment of Rs.20,00,000/- on an assurance that he would sell to him Flat No.14 in Building No.6, Plot No.6, Nagari Niwara Parishad, Goregaon (East), Mumbai - 400063. The Complainant has alleged that the flat was in

the name of the father of the Applicant and that the Applicant did not refund the money on the pretext that he had invested the same in the share market.

3. Learned counsel for the Applicant states that the Applicant had paid to the Complainant an amount of Rs.16,90,031/- even prior to the lodging of the FIR. The first informant has accepted having received the said amount. The first informant claims that the Applicant is liable to pay an amount of Rs.3,10,000/- whereas it is the case of the Applicant that he is liable to pay Rs.1,10,000/-. Learned counsel for the Applicant, under instructions, makes a statement that the Applicant shall pay to the Complainant an amount of Rs.1,10,000/- by R.T.G.S. within a period of six weeks from the date of this order. Statement is accepted.

4. In the light of said statement and in view of the reasons stated in the order dated 29/03/2023, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.80/2023 registered with Dindoshi Police Station, Mumbai, he shall be released on bail on furnishing bail bonds

in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer ;

(c) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. The Application stands disposed of.

PREETI H
JAYANI

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PREETI H JAYANI
Date: 2023.05.02
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(SMT. ANUJA PRABHUDESSAI, J.)