

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1158 OF 2022

1. Anil B. Kadam
2. Sagar B. Shinde
3. Sunil A. Pawar
V/s.
The State of Maharashtra and anr.

...Applicants
...Respondents.

Mr. Rupesh Zade a/w. Ms Priyanka Gupta for the Applicants.
Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 22.02.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. I have heard the learned counsel for the applicants and the learned APP for the respondent/State.
3. On 27 April 2022, this Court passed the following order:

. *Heard.*

2. *In anticipation of arrest in Crime No. 165 of 2022, registered with Baramati City Police Station, District Pune, for the offence punishable under Sections 420 r/w 34 of the India Penal Code, the applicants are praying for pre-arrest protection.*

3. *Besides other grounds, it is contended that there was no intention since inception to deceive the informant. According to the applicants, the transaction is purely of civil nature for which no criminal liability could be fastened. The State resisted bail by contending that the facts itself discloses that at the time of execution of sale deed, the applicants intended to deceive. The large*

scale of consideration was kept back and the cheques were dishonored.

4. At the instance of report lodged by one Subhash, the crime came to be registered. It is his case that on 04th March, 2021, he has sold certain piece of land in favour of partnership firm namely Shivtej Developers of which applicants are partners. The consideration was mutely fixed to the tune of Rs.1,79,80,000/-. At the time of execution of sale deed, two post dated cheques having denomination of Rs.76,15,000/- each were issued towards consideration. It is the Informant's case that both cheques were dishonored. According to him, the applicants have induced him to enter into the transaction for consideration, but later on refused to pay, therefore, the report.

5. It reveals that out of entire consideration Rs.27,50,000/- have been received by the Informant. The balance amount is of Rs.1,52,30,000/-. There are total five partners of the firm. Meaning thereby, roughly each partner's liability is to pay Rs.30,00,000/-. Upon instructions, the applicants' learned Counsel submitted that all the applicants (1, 2 and 3) are ready to deposit Rs.15,00,000/- each in this Court, on or before 04th May, 2022 and would deposit remaining amount of Rs.15,00,000/- each within six weeks thereafter. It is necessary to go through all corresponding documents. Having regard to said fact, I deem it appropriate to grant interim protection. In view of that, the following order:

ORDER

i) In the event of arrest, the Applicants/Accused Anil Baban Kadam, Sagar Balu Shinde and Sunil Ananta Pawar in Crime No. 165 of 2022, registered with Baramati City Police Station, District Pune, for the offence punishable under Sections 420 r/w 34 of the India Penal Code, they be released on interim bail on their furnishing P.R. bond of Rs.25,000/- each with one or two sureties in the like amount.

ii) The Applicants/Accused shall deposit Rs.15,00,000/-each in this Court, on or before 04th May, 2022 and would deposit remaining amount of Rs.15,00,000/- each within six weeks thereafter.

iii) The Applicants/Accused shall attend the concerned Police Station on every Sunday between 10:00 a.m. to 12:00 noon to facilitate the investigation till further order.

iv) The Applicants/Accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

v) Interim protection shall remain in force till next date.

vi) Stand over to 05th May, 2022."

4. The learned counsel for the applicants, on instructions, submits that the applicants and other co-accused have deposited entire amount of Rs.1,52,30,000/-. In that view of matter, I am inclined to allow the present application. The interim order passed by this Court dated 27 April 2022 is hereby confirmed.

5. The Application is disposed of accordingly.

[N.R.BORKAR, J.]