

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1169 OF 2022

Rahul B. Taru ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Rohan Hogle for the Applicant.
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 applicant and the learned APP for the respondent/State.
3. On 28 April 2022, this Court passed the following order:
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Heard.
2. *The applicant's learned counsel submitted that the informant has suppressed the true facts. According to him, the informant, who is the owner of land has initially entered into Development Agreement with the partnership firm under the understanding that the firm will develop the property and consideration would be paid stage wise. It is submitted that the said Development Agreement was not materialized but at the instance of the informant, Sale Deed was executed with understanding to develop the property and pay later. Moreover, it is submitted that during passage of time, there was a Retirement Deed in which the applicant and other partners have been retired. The new firm consisting of one old partner alongwith a new partner undertook the liability to satisfy the remaining*

consideration. For said purpose, he has produced a notarized document dated 23.03.2022.

3. At this stage, learned APP has pointed out that out of five partners, already three partners have moved this Court for pre-arrest bail in ABA No. 1158 of 2022. It is pointed out that while granting interim protection, the Court has directed all the applicants to deposit a sum of Rs. 15,00,000/- on or before 04.05.2022 and another equal sum within six weeks thereafter.

4. The matter arises from the same crime. The applicant has brought new documents to substantiate his case which was not brought to the notice in the earlier Bail Application. Admittedly, Sale Deed was executed on 04.03.2021 for consideration of Rs. 1,79,80,000/-. Out of which, partial amount of Rs. 27,50,000/- was paid. For the balance amount, two cheques of Rs. 76,15,000/- were issued. The cheques were dishonoured and therefore, the report.

5. The applicant's learned counsel would submit that there was no intention to cheat, since after execution of Sale Deed, one of the cheques of Rs. 15,00,000/- was honoured. However, a huge chunk of consideration has admittedly not been paid. When the transaction was entered, the applicant was a partner. In order to consider the entire aspect, Application can be heard alongwith ABA No. 1158 of 2022. The applicant's learned counsel submits that though, the entire liability was undertaken by new partnership firm, however, to show his bonafides, applicant would deposit a sum of Rs. 5,00,000/- on or before 04.05.2022 and remaining amount of Rs.10,00,000/- within six weeks thereafter. In view of above, interim protection can be granted till the matter is heard on merits.

ORDER

(i) In the event of arrest, the applicant namely - Rahul Balasaheb Taru in C. R. No. 165 of 2022 registered at Baramati City Police Station, District - Pune for the offence punishable under Section 420 r/w 34 of the Indian Penal Code, be released on interim bail on his furnishing P. R. Bond of Rs. 25,000/- with one or two sureties in the like amount;

(ii) The applicant shall deposit Rs. 5,00,000/- in this

Court on or before 04.05.2022 and would deposit the remaining amount of Rs. 10,00,000/- within six weeks thereafter;

(iii) The applicant shall attend the concerned Police Station on every Sunday in between 10.00 a. m. to 12.00 noon to facilitate the investigation;

(iv) The applicant 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 the next date.

6. Stand over to 05.05.2022 under the caption 'for compliance'."

4. The learned counsel for the applicant, on instructions, submits that the applicant and other co-accused have deposited entire amount of Rs.1,52,30,000/-. In that view of the matter, I am inclined to allow the present application. The interim order passed by this Court dated 28 April 2022 is hereby confirmed.

5. The Application is disposed of accordingly.

[N.R.BORKAR, J.]