

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

ANTICIPATORY BAIL APPLICATION NO. 1187 OF 2023

Tushar Ramchandra Patil ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. R. V. Bansode, a/w Sheetal Ubale, for the Applicant.
Smt. Ashwini Takalkar, APP for the State/Respondent.
Mr. Ganesh Kumkar, for Respondent No.2.

CORAM: N. J. JAMADAR, J.
DATED: 18th OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.3 of 2022, registered with Kamothe Police Station, Navi Mumbai, for an offence punishable under Sections 420 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. The indictment against the applicant is that the applicant and the co-accused Mukesh Sharma who were the partners of Grihlaxmi and Developers and Shivalik Builders and Developers had induced the first informant to part with a

sum of Rs.11,00,000/- by making a false representation that a flat would be allotted to him. It later transpired that the flat which was booked for the first informant was transferred to a third person. The cheque drawn by accused No.1 Mukesh Sharma was dishonored on presentment. Hence, the report.

4. The learned Counsel for the applicant submits that the applicant has repaid an amount of Rs.5,50,000/- to the first informant. The learned Counsel for the first informant concurs with the said statement. The learned Counsel submits that the first informant has no objection to grant pre-arrest bail to the applicant.

5. When the application was listed before the Court on 21st April, 2022, interim protection was granted. The learned Counsel for the applicant submits that in the intervening period charge-sheet has been filed. In the aforesaid view of the matter, I am persuaded to allow the application.

6. Hence, the following order:

: O R D E R :

(i) In the event of arrest of the applicant in CR No.3 of 2022, registered with Kamothe Police Station, Navi Mumbai, 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 not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.
- (iii) The applicant shall regularly appear before the jurisdictional Court.

Application stands disposed.

[N. J. JAMADAR, J.]