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

**ANTICIPATORY BAIL APPLICATION NO. 923 OF 2023
WITH
INTERIM APPLICATION NO.1491 OF 2023**

Amol Prafulchand Karpe ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Ashley Cusher for the Applicant in ABA No.923/2023.
Ms. Swati Dube APP for the Applicant in IA No.1491/2023.
Mr. Y. Y. Dabke APP Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 24TH APRIL 2023

P. C. :

INTERIM APPLICATION NO.1491 OF 2023

1. The first informant Ms. Gloria Joseph Cardoza wants to appear in this Application. She intend to file an affidavit thereby mentioning that this Applicant-Amol Prafulchand Karpe named in the FIR, in fact, he is not the real culprit. The affidavit filed by her is taken on record.
2. Interim Application is disposed of.

ANTICIPATORY BAIL APPLICATION NO.923 OF 2023

3. Heard learned counsel for the Applicant, learned advocate for the first informant and learned APP for the Respondent-State.

4. On the complaint of the first informant the police of Vasai police station, Palghar have registered an offence being C.R. No.I-321 of 2018 on 26th November 2018, under sections 420, 406, 120B, 465, 467, 468, 471 read with 34 of IPC. The offence is registered against ten persons. Out of them, six accused persons have been granted Bail/ABA whereas, present Applicant is one of the accused.

5. Co-accused-Sharad Rochalaney has filed Anticipatory Bail Application No.832 of 2022. There is an interim protection granted by this Court. Lastly, that Application was placed before this Court on 21st September, 2022 and thereafter, adjourned to 14th October 2022. Thereafter it is not listed. Therein time was granted to learned APP to file the affidavit-in-reply. Print-out copy of the said order obtained from website is taken on record and marked as Annexure "X". Let that Application be kept along with this Application.

6. Learned Advocate for the Applicant tried to submit that the allegations against the said co-accused-Sharad are serious and let it be not tagged along with this Application. If they are arising out of same offence, they can be heard together. The Applicant through learned Advocate may point out that the allegations against him are different.

7. The first informant was cheated by various persons. The cheque issued to her towards consideration of the house was drawn on account which does not exist in the name of drawer of the cheque. The cheque was drawn on account of M/s. Gayatri Export but the present applicant signed on behalf of Gayatri Export. The cheque is at page 102. The police have tried to communicate with the bank, yet no concrete materials are received.

8. Learned APP invited my attention to copy of the sale deed on page 149. It is executed in between the first informant and present applicant. Now the first informant says that due to misunderstanding, she has taken the name of the Applicant but in fact, the Applicant is not involved. It is also mentioned in the affidavit that vide letter dated 12th April 2023, it is informed by the first informant to Vasai police station that the present Applicant is

not involved. Copy of that letter is also annexed to Intervention Application. (page 17 and 18)

9. Learned APP seeks time to verify about this letter.

10. In view of above, interim protection may be granted to the Applicant. Hence, the following order is passed :

- (a) In the event of arrest, the Applicant-Amol Prafulchand Karpe be released on bail on furnishing personal bond and surety bond of Rs.25,000/- in connection with C.R. No.I-321 of 2018 registered with Vasai police station, for the offences punishable under sections 420, 406, 120B, 465, 467, 468, 471 read with 34 of IPC.
- (b) The Applicant shall not threaten the prosecution witnesses or allure them in any manner.
- (c) The Applicant shall give attendance to the Vasai police station on every Saturday from 10 am to 12 noon until further orders.
- (d) Needless to say, violating of the condition above will make the Applicant liable for cancellation of anticipatory bail, after notice to the Applicant.
- (d) Learned APP after taking instructions to address the Court so far as the role of this Applicant is concerned.

11. Matter be kept on **19th June 2023, along with Anticipatory Bail Application No.832 of 2022.**
12. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]