

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

ANTICIPATORY BAIL APPLICATION NO. 1451 OF 2023

Govind Jivraj Makhwana

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Ms. Sakshi Mane for the Applicant.

Mrs. A.A.Takalkar, APP for the State.

Mr. Ravikant Nandanwar API, Agripada Police Stn.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 30th JUNE, 2023.

P.C.

1. The Applicant seeks pre-arrest bail in C.R.No.521 of 2022 registered with Agripada Police Station, Mumbai, for offences under Section 406, 420 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Jaysingh Palji Rathod. The facts narrated in the FIR prima facie reveal that the first informant was interested in purchasing a flat. The Applicant herein had introduced him to the co-accused Waghmare, who

Digitally
signed by
PRASANNA
PRADEEP
SALGAONKAR
Date:
2023.07.04
12:21:10
+0530

PRASANNA
PRADEEP
SALGAONKAR

claimed to be SRA Agent, and assured that he would arrange Room No.1508, 15th floor, C Wing, Mahalaxmi SRA for sum of Rs.40 lakhs. The first informant entered into agreement with said Waghmare in respect of the said room and paid to him total amount of Rs.26 lakhs. It is alleged that said Waghmare did not arrange for the room. He returned to the first informant an amount of Rs.5 lakhs, but refused to pay the balance amount of Rs.21 lakhs. Hence the FIR.

4. The first information report prima facie indicates that the Applicant and the first informant were known to each other. The Applicant had only introduced the first informant to co-accused Waghmare, and had only signed the MOU as a witness. There is no prima facie material to show that the Applicant had induced the first informant in purchasing the flat or that he had cheated him in any manner. There is also no material on record to show that he had received any money from the Complainant or the co-accused Waghmare.

5. Considering the above facts, this Court by order dated 15th May, 2023 had granted interim protection to the Applicant. Learned APP states that pursuant to the said order, the Applicant has reported to the Investigating Officer and that he has been interrogated. In view of the above, no case is made out for custodial interrogation. Hence the application is allowed. Interim bail granted by order dated 15th May,

2023 stands confirmed.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)