

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.1872 OF 2023

Pradeep Baban Alias Ananda Kaspate	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Nitesh J. Mohite for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

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CORAM : AMIT BORKAR, J.

DATED : JULY 13, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.49 of 2023 registered with Kamshet Police Station for offences under sections 406, 420 read with section 34 of the Indian Penal Code, 1860, the applicant is seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. On 16th February 2023, informant Rekha Savant lodged a report alleging that she purchased Gat No.157 admeasuring 76.3 R. situated at Karunj, Taluka Maval, District Pune for Rs.35,00,000/- from one Baliram Phatak. The present applicant was one of the agent for completion of transaction. It was, thereafter, realized that Baliram Phatak had no title over the property and, therefore, accused persons promised repayment of Rs.35,00,000/-. According to the informant, she paid amount of

Rs.60,000/- to the applicant for purpose of stamp duty. The cheque issued by the co-accused for amount of Rs.35,00,000/- has been dishonoured. She, therefore, lodged a report.

3. The applicant filed an application under section 438 of the Criminal Procedure Code, 1973, which came to be rejected by learned Sessions Judge by order dated 21st June 2023.

4. On perusal of the material on record, it appears that role attributed to the applicant is of receiving amount of Rs.60,000/- for stamp duty. Document in the form challan indicates payment of Rs.66,900/- towards stamp duty. It prima facie appears that the applicant has paid amount of Rs.60,000/- received by him. In so far as rest of the allegations against the co-accused are concerned, the investigation is in progress. Considering the limited role attributed to the applicant, the applicant has made out a case for grant of relief under section 438 of the Criminal Procedure Code, 1973. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.49 of 2023 registered with Kamshet Police Station for offences under sections 406, 420 read with section 34 of the Indian Penal Code, 1860, he be released on bail on furnishing PR Bond in the sum of Rs.25,000/-, along with one or two sureties in the like amount;

b) The applicant shall remain present before the investigating officer on 14th, 17th and 19th July 2023 between 11:00 a.m. to 02:00 p.m. and, thereafter, as and when called by the investigating officer;

- c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
 - d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
 - e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case.
5. The anticipatory bail application is disposed of in above terms.

(AMIT BORKAR, J.)