

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

ANTICIPATORY BAIL APPLICATION NO. 1924 OF 2023

Shivaji Rao Bhagwat Salve
v/s.

.... Applicant

The State of Maharashtra

.... Respondent

Mr. A.M. Saraogi for the Applicant.

Mr. S.V. Gavand, APP for the State.

Mr. Vijay Gole, API, Parksite Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th JULY, 2023.

P. C. :-

. The Applicant apprehends his arrest in C.R.No.206/2020 registered with Parksite Police Station, Mumbai for offences punishable under sections 420, 465, 467, 468, 471 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant and 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 one Sambhaji Patil. The FIR prima facie reveals that the Complainant

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and some others were entitled for alternative premises in lieu of huts which were occupied by them. It is stated that they were shown certain premises of MMRDA and the co-accused had received money from the Complainant and others. Subsequently, they were issued allotment letters which were found to be forged. It is alleged that the co-accused had received total sum of Rs.24,00,000/-. They neither returned the money nor allotted the rooms as assured.

4. The allegations against the Applicant are that he had subsequently assured to provide the rooms with the help of one Pramod Salvi who was allegedly related to him. It is stated that the Applicant received Rs.6,00,000/- from the Complainant and 11 others. The Applicant also failed to provide the room and to refund the money. Hence, the FIR.

5. The Applicant has filed an affidavit dated 14/07/2023 wherein he has made a voluntary statement that without prejudice to his rights and contention, he is ready to pay to the Complainant and others total amount of Rs.6,00,000/-. Mr. Saraogi, learned counsel for the Applicant states that the said amount will be deposited before this Court within three weeks and that the Applicant shall have no

objection if the amount is paid to the Complainant and 11 other victims whose names are mentioned in the FIR.

6. In the light of the affidavit filed by the Applicant, in my considered view, this is a fit case to exercise discretion under section 438 of Cr.P.C. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.206/2020 registered with Parksite Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required ;

(c) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer

informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. The Application stands disposed of.

8. Since the Application is not decided on merits, the Applicant is put to notice that the bail order shall stand recalled in the event the Applicant fails to repay the amount within stipulated time.

(SMT. ANUJA PRABHUDESSAI, J.)