

VRJ

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

**ANTICIPATORY BAIL APPLICATION NO.1937 OF 2023**

VAIBHAV  
RAMESH  
JADHAV  
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VAIBHAV RAMESH  
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Kaluram Pandit Mohite

... Applicant

**V/s.**

The State of Maharashtra

... Respondent

Mr. Prasanna K. Shahane for the applicant.

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

**CORAM : AMIT BORKAR, J.**

**DATED : JULY 13, 2023**

**P.C.:**

1. Apprehending arrest in connection with *C.R. No.407 of 2023* registered with Khed Police Station, District Pune for offences punishable under sections 420, 468, 467, 471 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. According to the prosecution, accused Nos.1 and 2 got executed registered agreement to sale and power of attorney as regards property of the informant by promising to pay market price. According to the informant, the amount credited in his account was withdrawn by accused No.1 and he utilized it for his own purpose. According to the informant, the applicant was witness to the said document and all accused persons in connivance with each other committed alleged offences.

3. The application under section 438 of the Criminal Procedure Code, 1973, filed by the applicant before the learned Sessions Judge came to be rejected by order dated 22<sup>nd</sup> June 2023.

4. On perusal of the papers, it appears that there is no allegation of impersonation of either vendor or vendee. The role attributed to the applicant is of witness to both documents. There are no criminal antecedents of applicant to his discredit. From the material on record, at this stage, in the absence of dispute as regards identity of vendor and vendee, the applicant has made out a prima facie case. Hence, following order:

a) In the event of arrest of the applicant in connection with *C.R. No.407 of 2023* registered with Khed Police Station, District Pune for offences punishable under sections 420, 468, 467, 471 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 14<sup>th</sup>, 17<sup>th</sup> and 19<sup>th</sup> 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 stands disposed of in above terms.

**(AMIT BORKAR, J.)**

**Note:-** This order is modified as per order dated 27<sup>th</sup> July 2023. The corrections in paragraphs 1 and 4(a) are shown in italicize.