

AGK

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

ANTICIPATORY BAIL APPLICATION NO.2022 OF 2023

ATUL
GANESH
KULKARNI

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Komal Somnath Thombare

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Prasanna K. Shahane for the applicant.

Mr. P.H. Gaikwad, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 19, 2023

PC.:

1. Apprehending arrest in connection with C.R. No.487 of 2023 registered with Chakan Police Station for offences punishable under Sections 420, 465, 467, 471, 406 and 34 of the Indian Penal Code, 1860, the applicant is seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. According to prosecution, the applicant in furtherance of common intention with other co-accused persons fabricated the false documents and with fraudulent and dishonest intention cheated the complainant and thereby caused wrongful loss to complainant and wrongful gain themselves. It is alleged that the present applicant at the relevant time played an active role in executing the alleged entire scam. At the relevant time the applicant was the Director of Rolling Forward Estate Pvt. Ltd. The

present applicant is directly and indirectly beneficiary in the alleged crime. Instead of notice to remain present for inquiry before investigating officer, the applicant alleged the not co-operated and remained absent. Without custodial interrogation the investigation of the present crime cannot be proceeded ahead. There is recovery and discovery at the instance of the present applicant.

3. On perusal of the first information report and case papers, it appears that cheque of Rs.51 lakh is signed by the applicant's husband. As of now there is no material to indicate active role played by the applicant in the transaction alleged in the first information report. Therefore, custodial interrogation of the applicant is not necessary. Hence, following order:

- a) The anticipatory bail application is allowed;
- b) In the event of arrest of the applicant in connection with C.R. No.487 of 2023 registered with Chakan Police Station for offences punishable under Sections 420, 465, 467, 471, 406 and 34 of the Indian Penal Code, 1860, he be released on bail on furnishing P.R. Bond in the amount of Rs.25,000/- with one or two sureties in the like amount;
- c) The applicant shall remain present before the investigating officer on 21, 23 and 25 August 2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called by the concerned investigating officer;
- d) The applicant shall cooperate with the investigation and make himself available for interrogation whenever

required;

e) 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;

f) 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;

g) 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;

4. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)