

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO.2261 OF 2023

Rajesh Dadu Ubale	... Applicant
V/s.	
The State of Maharashtra	... Respondent

SHABNOOR
AYUB
PATHAN

Digitally signed by
SHABNOOR AYUB
PATHAN
Date: 2023.08.10
18:28:13 +0530

Mr. Chaitanya Pendse i/by Ms. Siddhi Bhosale, for the Applicant.

Mr. Amit A Palkar, APP for the State-Respondent.

Mr. Parvate, PSI, Junnar police station.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 10, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.75 of 2023 registered with Junnar police station, for offences punishable under Sections 420, 406, 504 and 506 of the Indian Penal Code, 1860 (for short 'IPC'), the applicant is seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').

2. According to prosecution, on 4 January 2022, the applicant agreed to construct house for informant for consideration of Rs.12,46,000/-. Accordingly, Rs.11,84,000/- was paid. The applicant did not complete the construction. Cost of completed work according to informant is Rs.4,87,000/-. He refused to repay

balance amount of Rs.6,97,000/-. Hence, report is filed against the applicant.

3. The applicant, therefore, applied under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 21 July 2023.

4. On perusal of the First Information Report, it appears that there is no dishonest and fraudulent intention at the inception of transaction nor there is entrustment of the property which has been used by the applicant for his personal purpose. The dispute regarding valuation needs to be adjudicated before the appropriate Court. At the most, the case would be breach of promise for which criminal action is not contemplated. Hence, following order:

a) In the event of arrest in connection with C.R.No.75 of 2023 registered with Junnar police station, for offences punishable under Sections 420, 406, 504 and 506 of IPC, the applicant be released on bail on furnishing P.R. bond of Rs.15,000/-, along with one or two sureties in the like amount.

b) The applicant shall remain present before the concerned police station on 14th, 16th and 17th August, 2023 between 11:00 am to 2:00 pm 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. No costs.

(AMIT BORKAR, J.)