

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2518 OF 2023

Rahul Bhoopsingh Yadav ...Applicant
vs.
The State of Maharashtra and Ors. ...Respondents

Mr. Niranjan Mundargi a/w. Ms. Shradha Achaliya i/b. Ms. Sapana
Rachure, for the Applicant
Smt. A.A. Takalkar, APP, for the Respondent/State.
Mr. Subodh Desai a/w. Mr. Rupesh Lanjekar, Ms. Kavita Dhanuka i/
b. Mr. Sameer Nangare, for the Intervener.

CORAM : N. J. JAMADAR, J.
DATE : DECEMBER 13, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned
APP for the State.
1. This application is preferred seeking pre-arrest bail in
connection with C.R. No.558 of 2023 registered at Ambolil police
station for the offences punishable under sections 406, 409 and 420
read with 34 of Indian penal Code, 1860.
2. By an order dated 5th September, 2023 interim bail was
granted to the applicant.
3. The learned APP on instruction of the investigating officer
informed the Court that the applicant has appeared before the
investigating officer in terms of the aforesaid order and rendered
co-operation in the investigation.
4. Prima facie, the genesis of the offences appears to be in the

commercial transaction between the parties. As noted in the order granting interim bail, a part of the price has already been paid by the 4B Networks. In the circumstances, the question as to whether the intention of 4B Networks was dishonest since inception of the transaction would be a matter for adjudication at trial. In any event, further custodial interrogation of the applicant does not seem to be warranted as the investigation seems to have reached an advance stage.

5. I am, thus, impelled to make the order of interim bail, absolute.

6. The order of interim bail dated 5th September, 2023 is made absolute on the terms and conditions incorporated therein.

7. Henceforth, the applicant shall appear before the investigating officer as and when directed.

8. In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

9. The applicant shall not leave India without prior permission of the jurisdictional Metropolitan Magistrate.

10. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)