



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2508 OF 2023

Gaurav Subhash Desai

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Pramod Kumbhar, for Applicant.

Mr. A. A. Takalkar, APP for State.

CORAM:- N. J. JAMADAR, J.

DATED:- 16th OCTOBER, 2023

PC:-

- 1) Heard the learned Counsel for the parties.
- 2) This is an application for pre-arrest bail in connection with CR No. 8 of 2021, registered with MIDC Police Station, Mumbai, for the offences punishable under Sections 420, 465, 467, 468 and 471 of Indian Penal Code, 1860 ("the Penal Code").
- 3) When the application was listed before the Court on 5th September, 2023, this Court was persuaded to grant interim bail observing, inter alia, as under:-

“3. The indictment against the applicant is that the applicant and the co-accused induced the applicant to part with a sum of Rs.17,00,000/-by making a false representation that the first informant would be deprived of a room in a rehabilitation scheme. The applicant and the co-accused allegedly delivered false and forged documents to induce the applicant to part with money.

4. I have perused the allegations in the FIR. It prima facie appears that the allegations are primarily against one Nitin Pawar, to whom the first informant claims to have paid the amount. The applicant was allegedly present when the first informant paid money to the said Nitin Pawar. The applicant was also stated to be a witness to be MOU executed between the first informant and Nitin. However, the role of deceiving the first informant and preparing or using the forged documents does not seem to be have been, prima facie, attributed to the applicant.”

4) The learned Counsel for the applicant submits that pursuant to the aforesaid order, the applicant has appeared before the Investigating Officer.

5) Having regard to the nature of the accusation and the reasons which weighed with this Court while granting interim bail, I am inclined to make the order of interim bail absolute.

6) Hence, the following order.

ORDER

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

II) The applicant shall henceforth appear before the Investigating Officer as and when directed.

III) The applicant shall regularly attend the proceedings before the jurisdictional Court.

IV) The application stands disposed.

[N. J. JAMADAR, J.]