



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2646 OF 2023**

Minesh Janmejy Patil and Ors.	...	Applicants
versus		
The State of Maharashtra	...	Respondent

Mr. Sanad V. Desai for Applicants.
Mr. R.M.Pethe, APP for State.
Mr. Sachin Patil, API, Pantnagar Police Station, present.

CORAM: N.J.JAMADAR, J.

DATE : 21 SEPTEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.614 of 2022 registered with Pantanagar Police Station for the offences punishable under Sections 420 and 406 read with Section 34 of the Indian Penal Code.
3. Mr. Janmejy Patil, the father of the applicants, made a representation to the first informant that he would procure a room for the first informant as he had known the officials of MHADA and procured rooms for many persons. The first informant was induced to part with a sum of Rs.23 Lakhs during the period 2012 to 2015. No room was, however, allotted to the first informant. Eventually, the co-accused Janmejy patil started to avoid the first informant. Having realized that the first informant has been deceived, a report came to be lodged.

4. The role attributed to the applicants is that, on the instructions of the co-accused Janmejy, the applicants had shown the room, which was to be allotted to the first informant, by pointing out from afar.

5. The learned APP would submit that though the entire amount had been paid to Janmejy Patil, father of the applicants, they were also privy to the offence of cheating. Therefore, custodial interrogation of the applicants is warranted.

6. I have carefully perused the allegations in the FIR. No role of having made a false representation or induced the first informant to part with money is attributed to any of the applicants. The indictment against the applicants is primarily that of having shown the buildings in which the room was to be allotted to the first informant. Prima facie, the allegation of neither criminal breach of trust nor cheating are attributable to any of the applicants. I am, therefore, inclined to exercise the discretion in favour of the applicants.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicants – Minesh Janmejy Patil, Dinesh Janmejy Patil and Naynish Janmejy Patil in connection with C.R.No.614 of 2022 registered with Pantanagar Police Station, the Applicants be released on bail on furnishing a PR bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.

(ii) The Applicants shall co-operate with the investigation and report to Pantanagar Police Station on every alternate Saturday from 10.00 a.m. to 1.00 p.m. for a period of two months or till the filling of the chargesheet, whichever is earlier.

(iii) The Applicants shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The Applicants shall regularly attend the jurisdictional Court.

(v) The Application stands disposed.

(N.J.JAMADAR, J.)