

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2845 OF 2023

Chetan Bapurao Zende	...Applicant
vs.	
The State of Maharashtra	...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.2850 OF 2023

Pravin Raghunath Zende and Others	...Applicants
vs.	
The State of Maharashtra	...Respondent

Mr. Manoj Mohite, Senior Advocate a/w. Mr. Vaibhav Ugle, Mr. Mayur Lodha and Mr. Vikas Somwanshi and Mr. Roshan Chavan, for the Applicant.

Smt. A.A. Taklakar, APP, for the Respondent/State.

PSI. Sandeep Ingle, EOW Pimpri Chinchwad police station.

CORAM : N. J. JAMADAR, J.
DATE : NOVEMBER 8, 2023

P.C.:

1. Heard the learned counsel for the applicants and the learned APP for the State.

2. These applications are preferred seeking pre-arrest bail in connection with C.R. No. 452 of 2023 registered at Talegaon police station for the offences punishable under sections 406, 420, 465 and 506 read with 34 of Indian penal Code, 1860.

3. Mr. Mohite, learned senior counsel for the applicants submits that pursuant to order dated 11th October, 2023 the applicants have appeared before the investigating officer and cooperated with the

investigation.

4. Learned APP on instructions of the investigating officer states that the applicants have appeared before the investigating officer.

5. By an order dated 11th October, 2023, this Court was persuaded to grant interim bail ascribing reasons. It was, inter alia, observed that:-

7] Prima facie, it appears that the land was developed and sold by Sonal Developers of which accused No. 1 Sumita Zende is the Proprietress. The allegations of the fraud can be primarily attributed to the owner of the property who have executed the instrument, despite having created encumbrances on the said property. In the first information report, there is no specific allegation that the applicants had induced the first informant to purchase the property by making a representation that the property was un-encumbered. The material on record prima facie does not indicate that the applicants were the beneficiaries of the alleged fraud.

6. The Court was of the view that the investigation was warranted as allegations were made that the applicants were not mere witnesses, who had identified the executants to the instrument.

7. It appears that the applicants have thereafter appeared before the investigating officer. Further, custodial interrogation of the applicants does not seem to be warranted. I am, therefore, impelled to make the order of interim bail absolute.

8. The order of interim bail dated 11th October, 2023 is made absolute.

9. The applicants shall cooperate with the investigation and attend Talegaon police station as and when directed.
10. The applicants shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.
11. The applicants shall regularly attend the proceedings before the jurisdictional Court.
12. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)