

Santosh

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

ANTICIPATORY BAIL APPLICATION NO. 2958 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Date: 2023.10.26
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Shubhangi Pandurang Halande alias Cessie Mitchell ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. Abdulla Peerzade, for the Applicant.

Mr. P. H. Gaikwad, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 25th OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with CR No.731 of 2022, registered with Shahupuri Police Station, Kolhapur, for the offences punishable under Sections 420 and 506 of Indian Penal Code, 1860 ("the Penal Code").

3. The first informant is engaged in the business of advertising under name and style of Supri Creation. In the month of July, 2018 and March, 2019 the applicant had placed orders with the first informant to prepare hoardings for TATA Autocop GY Batteries Pvt. Ltd. Pursuant to the

order, the first informant had prepared the hoardings. Bills were raised for a sum of Rs.21,63,530/-. The applicant paid a sum of Rs.15,00,000/- only. The first informant alleged that the applicant deceived him of an amount of Rs.6,72,362/- as the applicant had not repaid the said amount. The applicant allegedly committed criminal intimidation as well. Hence, the report.

4. *Prima facie*, the dispute seems to be of purely civil nature. Orders were placed for providing services in the year 2018 – 2019. Part payment was made by March, 2021. An amount of Rs.6,72,362/- remained outstanding. *Prima facie*, it does not appear that the intention of the applicant was dishonest since the inception of the transaction. In any event, that would be a matter for trial. I am, therefore, inclined to exercise the discretion in favour of the applicant.

5. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.731 of 2022, registered with Shahupuri Police Station, the applicant be released on bail on furnishing a P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

- (ii) The applicant shall cooperate with the investigation and attend Shahupuri Police Station on 1st and 2nd November, 2023 in between 10.00 am. to 1.00 pm.
- (iii) The applicant shall not tamper with the prosecution evidence and contact the first informant and/or give threat or inducement to the first informant or any person acquainted with the facts of the case.
- (iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (v) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]