

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3070 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Date: 2023.12.22
10:43:00 +0530

Alok Ranjan

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

Mr. Jitendra Tiwari, for the Applicant.

Mr. S. H. Yadav, APP for the State/Respondent.

Mr. Manoj Tiwari, a/w Sejal Nalawade and Nikita Parkar, for
the First Informant.

Mr. Dhanwant Gajendra Chavan, PSI, Nagpada Police
Station, Mumbai, present.

CORAM: N. J. JAMADAR, J.

DATED: 18th DECEMBER, 2023

PC:-

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.353 of 2022, registered with Nagpada Police
Station, Mumbai, for the offences punishable under Sections
406 and 420 of Indian Penal Code, 1860 ("the Penal Code").

3. When the application was listed before this Court on 6th
November, 2023 this Court had granted interim bail
observing *inter alia* as under:

"4. The learned counsel for the applicant submitted
that the applicant is willing to deposit a sum of

Rs.18,17,050/- over the receipt of which there is no dispute. However, there is no material to show that the applicant had allegedly forged the certificates.

5. Mr. Manoj Tiwari, the learned counsel submits that he has instruction to appear on behalf of the first informant. He submits that if the applicant is willing to deposit the amount of Rs.18,17,050/-, he has no objection to grant interim protection.

6. Prima facie, it appears that the transaction is one of failure to provide the services which were promised by the applicant. Whether the intention of the applicant was dishonest since inception of the transaction is a matter for consideration. As the applicant has shown willingness to deposit the amount of Rs.18,17,050/- and the first informant is not averse to the said proposition, I am inclined to grant interim protection.”

4. The learned Counsel for the applicant submits that in terms of the aforesaid order the applicant has deposited a sum of Rs.18,17,050/- in this Court and appeared before the Investigating Officer.

5. The learned APP, on instructions, confirms the said fact.

6. Mr. Manoj Tiwari, the learned Counsel for the first informant, submits that in view of the aforesaid development the first informant is not averse to make the order of interim bail absolute.

7. In any event, the major offence under Section 420 entails punishment which may extend to seven years and for

the reasons which weighed with this Court in granting interim bail, the application deserves to be allowed.

8. Hence the following order:

: O R D E R :

- (i)** Application stands allowed.
- (ii)** Order of interim bail dated 6th November, 2023 is made absolute on the terms and conditions incorporated therein.
- (iii)** The applicant shall henceforth appear before the Investigating Officer as and when directed till filing of the charge-sheet.
- (iv)** The applicant shall regularly attend the proceedings before the jurisdictional court.

[N. J. JAMADAR, J.]