

Chaitanya Jadhav

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

ANTICIPATORY BAIL APPLICATION NO. 3111 OF 2023

Mayur Bhiva Sawant	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Veerdhawal Deshmukh for Applicant.
Ms. Ashwini Takalkar, APP for State/Respondent.
Mr. Deepak S. Patil, Kandivali Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 20th DECEMBER, 2023

PC:-

- 1)** Heard the learned Advocate for the applicant and learned APP for the State.
- 2)** This application is preferred for pre-arrest bail in connection with CR. No. 374 of 2023, registered with Kandivali Police Station, for the offences punishable under Sections 406 and 420 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
- 3)** When the application was listed before the Court on 2nd November, 2023, this Court was persuaded to grant interim protection to the applicant as co-accused Mahesh Chavan was granted interim bail.
- 4)** The learned Counsel for the applicant submits that the amount which was credited to the account of the applicant was promptly

transferred to the account of co-accused Mahesh Chavan. The statement of account of the applicant annexed at Exh-“C” to the application lend support to the claim of learned Counsel for the applicant.

5) I have also perused the allegations in the FIR. Prima-facie there was no allegation of the applicant having made any false representation or induced the informant and other students to part with the amount. Accused No.1-Mahesh Chavan was stated to be head of the institution and accused No.2-Tabrez Khan was the tutor.

6) The Anticipatory Bail Application No.2826 of 2023 of the accused No.2 Tabrez Khan is allowed. In the circumstances, having regard to role attributed to the applicant, the applicant also deserve the dispensation.

7) Thus, I am impelled to make the order of interim bail absolute. Hence the following Order :

ORDER

- (i) Order of Interim Bail dated 2nd November, 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) In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

(iv) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

(v) The application stands disposed.

[N. J. JAMADAR, J.]

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signed by
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ASHOK
JADHAV
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