

Santosh

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

ANTICIPATORY BAIL APPLICATION NO. 3191 OF 2023

SANTOSH
SUBHASH
KULKARNI

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KULKARNI
Date: 2023.11.10
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Devendra Bhalchandra Raut

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Ashley Cusher, for the Applicant.

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

PSI Anil Dinkar Shinde, Bhoisar Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED: 9th NOVEMBER, 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.277 of 2023, registered with Bhoisar Police Station, Palghar, for the offences punishable under Sections 420, 468, 471, 416 and 506 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3. The first informant lodged a report with the allegation that he was induced to part with a sum of Rs.20,00,000/- by making a fraudulent representation that an impersonator of Shahapur Farodi was the owner of property bearing Survey No.49 Hissa No.3 admeasuring 2.82 Hectors and an

Agreement for Sale was also executed by the fictitious person on 10th April, 2022. The first informant alleged that the fictitious vendor was introduced to him by Rahul Sonar and Bhavesh Jadhav. The allegations against the applicant is that on 15th September, 2022 when the fictitious vendor, who impersonated Shahapur Farodi came to first informant's place, the applicant had accompanied him. The fictitious vendor had demanded Rs.2,00,000/- and the first informant had paid the said amount.

4. The learned Counsel for the applicant submitted that apart from the aforesaid allegations, there is material to connect the applicant with the alleged offences.

5. I have perused the allegations in the FIR. The first informant claimed that in the month of March/April, 2022 co-accused Rahul Sonar and Bhavesh Jadhav introduced to him to the fictitious vendor and Agreement for Sale came to be executed on 10th April, 2022. Subsequently, also the first informant claimed to have parted with amount against the receipt passed by the fictitious vendor. *Prima facie* it becomes evident that before the applicant had accompanied the fictitious person, the first informant had met the said person and even paid money to him.

6. In the aforesaid view of the matter and there being no accusation against the applicant, a *prima facie* case for exercise of discretion is made out.

7. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.277 of 2023, registered with Bhoiser Police Station, the applicant be released on bail on furnishing a PR 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 Bhoiser Police Station on 22nd, 23rd and 24th November, 2023 in between 10.00 am. to 1.00 pm.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.
- (iv) 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.]