

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3544 OF 2023

Anil Anand Mulik ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Ramanik Pawar a/w. Ms. Samiksha Pawar, for the Applicant
Smt. A.A. Takalkar, APP, for the Respondent/State.
Mr. Ranjeet Chavan, PSI, Byculla police station.

CORAM : N. J. JAMADAR, J.
DATE : DECEMBER 19, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No.601 of 2023 registered at Byculla police station for the offences punishable under sections 420, 406, 467 and 468 read with 34 of Indian penal Code, 1860.
3. The co-accused Sanjay Kadam had allegedly induced the first informant to part with an amount by making a false representation that he would secure room No. 2208 in a building of MHADA at Lalbaug. The co-accused Sanjay had shown the documents to the first informant. The co-accused Sanjay and other accused made the first informant to part with the total amount of Rs. 19,15,000/-. Eventually, it transpired that the said Room No. 2208 was allotted

to a Mill worker Smt. Kalyani Naik. The first informant realized that he was deceived to part with a sum of Rs. 19,15,000/- by making false representation and showing false and fabricated documents.

4. The learned counsel for the applicant submitted that the applicant had no role in the alleged deception practiced by co-accused Sanjay Kadam. The only role attributed to the applicant is that of accompanying the co-accused on 4th January, 2018 when the first informant had allegedly met the said co-accused Sanjay Kadam.

5. The learned APP submitted that the applicant was also a privy to the offences. It was submitted that the applicant and the co-accused Sanjay have antecedents.

6. Prima facie, in the instant first information report, no role of making any false representation or inducing the first informant to part with any amount has been attributed to the applicant. The learned counsel for the applicant is justified in canvassing a submission that the applicant has been roped in only on the basis of assertion of the first informant that on 4th January, 2018 the applicant had accompanied the co-accused Sanjay. It is not the prosecution case that any amount was credited to the account of the applicant or the applicant is otherwise beneficiary of the alleged fraudulent transaction.

7. In the circumstances, a prima facie case is made out to exercise the discretion in favour of the applicant.

8. In the event of arrest in C.R. No.601 of 2023 registered with Byculla 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.

9. The applicant shall cooperate with the investigation and attend Byculla police station, on 2nd and 3rd January, 2024 in between 10 am to 1 pm and, thereafter, as and when directed.

10. The applicant 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 applicant 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.)