



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3607 OF 2023**

Yash Gopal Dayama

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. Pratik Tare, for Applicant.

Smt. Ashwini Takalkar, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 22 DECEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.301 of 2023 registered with Ichalkaranji Police Station initially for the offences punishable under Sections 323, 420, 506 read with Section 34 of the Indian Penal Code.
3. Subsequently, the offences punishable under Section 409 of IPC seems to have been added. First informant is the sister of accused No.1. Accused No.2 Akshay is the son of Accused No.1. The applicant is stated to be a friend of accused No.2 Akshay. The first informant alleged that after the death of her husband who was a government servant, accused Nos.1 and 2 induced her to make deposit and transfer the amount in the name of accused Nos.1 and 2. Allegations of withdrawal of the amount from the account of the first informant have also been made. It is further alleged that in the month of January 2022, the first informant was induced to pay a

sum of Rs.3 Lakhs to the co-accused and the applicant as well. The first informant further alleged that when she demanded repayment of the amount her sister, nephew and the applicant assaulted her. Hence, the report.

4. Learned Counsel for the Applicant submitted that omnibus allegations have been made that the amounts were paid to the applicant as well. It was further submitted that no case for the offence punishable under Section 409 has been made out.

5. I have perused the allegations in the FIR. Prima facie, the allegations are primarily against the sister and nephew of the first informant. After adverting to the amount and property which the co-accused induced the first informant to part with, it is also alleged that in the month of January 2022, the first informant was made to handover cash amount of Rs.3 Lakhs, which she had saved, on the pretext that the said amount would be invested in a bank. There is substance in the submission on behalf of the applicant that omnibus allegations are made against the applicant.

6. In the aforesaid view of the matter, I am inclined to exercise discretion in favour of the applicant.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Yash Gopal Dayama in connection with C.R.No.301 of 2023 registered with Ichalkaranji 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 co-operate with the investigation and report to Ichalkaranji Police Station on 5th and 6th January 2024 in between 10.00 a.m. to 1.00 p.m., and, thereafter, as and when directed.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

(iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The application stands disposed.

(vi) It is, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR, J.)