

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2679 OF 2018

Vilas Sadanand Rane

...Applicant

vs.

The State of Maharashtra & Anr.

...Respondents

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Mr. Mandar Goswami, , for the Applicant.

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

Ms. Jaymala Ostwal, a/w. Ms. Komal Gosavi and Ms. Akanksha Sarpole,
i/b. M/s. JJ Associates, for Respondent No.2.

Mr. Rajesh Gawali, P.I., BKC Police Station, Bandra East, Mumbai.

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CORAM : ANUJA PRABHUDESSAI, J.

DATE : 24 APRIL 2023

P.C. :

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in Crime No.123 of 2018 registered with BKC Police Station, Bandra East, Mumbai, for offences punishable under Sections 406, 420 and 120(B) of the IPC.

2. Heard Mr. Mandar Goswami, learned Counsel for the Applicant, Mr. S.H. Yadav, learned APP for the Respondent State and Ms. Jaymala Ostwal, learned Counsel for the First Informant. I have

perused the records and considered the submissions advanced by learned Counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Shashikant Pandurang Sawant. It is the case of the prosecution that the Applicant is the Chief Promoter of Jai Bhavani Co-operative Housing Society Ltd. The First Informant is one of the members of the said society, which had total 130 members. It was stated that, in the month of September 2009, the Applicant, as Chief Promoter, had led the foundation stone. However, no construction was commenced till 2017. It was stated that the total amount of Rs.4,80,000/- was paid to the Applicant by cheque and Rs.2,00,000/- in cash. It is stated that the Applicant gave false assurance to the members and induced them to pay the money. It is stated that he has neither completed the constitutions nor refunded the money.

4. By order dated 3 April 2019, this Court had granted interim protection to the Applicant. The said order has been extended from time to time. Learned APP, under instructions, states that the Applicant has been interrogated and he has co-operated with the investigation. Learned APP, under instructions, further states that the investigation has been completed and charge-sheet will be filed within two weeks.

5. Considering the above facts and the nature of the accusation, in my considered view, it is not a fit case, which would

justify custodial interrogation. The application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.123 of 2018 registered with BKC Police Station, Bandra East, Mumbai, the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;
- (ii) The Applicant is directed to report to the Investigating Officer as and when called by the Investigating Officer and shall co-operate with the investigation;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(ANUJA PRABHUDESSAI, J.)