

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

ANTICIPATORY BAIL APPLICATION NO. 942 OF 2024

Tukaram Yeshwant Kapase

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Laxman K. Kalel for Applicant.

Ms. Rajeshree V. Newton, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 8 APRIL 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.117 of 2024 registered at Akulj Police Station, Solapur, on 09.03.2024, under section 420 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Laxman Kalel, learned counsel for the applicant and Ms. Rajeshree Newton, learned APP for the State.

3. The F.I.R. is lodged by one Vishal Jadhav. He has stated that, in July 2022, he met one Hanumant Katakdhond, who was known to him. He told Hanumant that he was in search of a job. At

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that time, Hanumant told him that the applicant's son Bapusaheb was knowing some high officers. Hanumant introduced the informant to Bapusaheb. It is further mentioned in the F.I.R. that the applicant and his wife also told the informant the same thing that their son Bapusaheb was knowing the high officers and that, Bapusaheb himself had got his job through these officers. Even the applicant's daughter in law was given a job with Mumbai Police. It is mentioned in the F.I.R. that the accused demanded Rs.25 lakhs for doing that work. The F.I.R. further mentions that, after a few days the applicant and his son Bapusaheb came to his house and they reduced the figure of Rs.25 lakhs to Rs.20 lakhs. The F.I.R. thereafter goes on to mention various occasions on which the informant transferred the money in the account of the applicant's son. In all, he paid Rs.19,75,000/-. However, he was not given any job. Bapusaheb avoided receiving his calls. In October 2023, the informant went to Mumbai and met Bapusaheb's wife Smita. She told the informant that, Bapusaheb had gone to Gujarat and that his work would be done. After a few days, the informant came to know that Bapusaheb had passed away on 09.11.2023. After that

the informant approached the applicant and his wife and demanded the money. They refused to pay him. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the applicant has not received any money from the informant. The applicant's wife is granted anticipatory bail. The allegations against the applicant and his wife are the same and, therefore, on parity the applicant deserves to be released on Anticipatory bail. He submitted that the applicant is sought to be made as an accused in this case only because he was a nominee to his son's bank account. He further submitted that the applicant has not received any money from the informant and, thus, there is no wrongful gain to him.

5. Learned APP opposed these submissions. She produced the investigation papers before me.

6. I have considered these submissions. The investigation papers included statement of the aforementioned Hanumant, who has supported the allegations in the F.I.R. However, the role played

by Hanumant and that by the applicant are almost similar because both of them had told the informant that Bapusaheb was in a position to get a job for him. There are allegations that the money was transferred by the informant, but not in the account of the applicant; but in the account of his son, who has passed away. The money, as of today, is not available in his bank account. The applicant's role is not different from that of his wife. Therefore, there is substance in the submission that, on the ground of parity also the applicant deserves the same protection. It is significant that, this F.I.R. is lodged on 09.03.2024 after the applicant's son had passed away on 09.11.2023. The money was paid from July 2022 onwards. The informant had not taken any steps to recover the money from the applicant's son. Therefore, in this background, the applicant's custodial interrogation is not necessary. It is sufficient, if he co-operates with the investigation.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.117 of 2024 registered at Akluj Police

Station, Solapur, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- ii) The Applicant shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)