



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1367 OF 2024**

Vaibhav Laxman Katap	...	Applicant
versus		
State of Maharashtra	...	Respondent

Mr. Ritesh Thobde with Ms. Ankita Rai, Ms.Zubi Ansari, for Applicant.
Mr. A.A.Naik, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 6 AUGUST 2024

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.194 of 2023 registered with Vijapur Naka Police Station for the offences punishable under Sections 409 and 420 of the Indian Penal Code.
3. By an order dated 18 June 2024, this Court was persuaded to grant interim bail to the applicant as the co-accused Bhimashankar Vijaykumar Birajdar, was granted pre-arrest bail by an order dated 29 September 2023 in ABA 2632 of 2023.
4. Learned Counsel for the Applicant, on instructions, submits that pursuant to the aforesaid interim order, the applicant has appeared before the IO and co-operated with the investigation.
5. Learned APP concurs with the aforesaid submission.
6. While releasing co-accused Bhimashankar Vijaykumar Birajdar on pre-arrest

bail, this Court has noted, inter alia, as under :

“3. The first informant lodged report with the allegations that co-accused Vishvanath Chitte had induced the first informant to make daily deposit by making false representations that the amounts were being invested with Vijaysingh Mohite Patil Nagari Sahakari Patsanstha, Branch Aasra, Solapur. The said co-accused had assured to refund double the amount of deposit. He had drawn the cheques to make the first informant to repose confidence him. Those cheques were returned on encashed for discrepancy in the signature. Eventually, upon inquiry, it transpired that the said society had closed its operation in the year 2017 and co-accused Vishvanath Chitte was already removed from the employment in the year 2013 itself, for having committed fraud. As the accused Vishvanath Chitte committed default in payment of the amount despite repeated assurances that he would sell his agricultural land and pay the amount, first informant lodged the report.

4. The role attributed to the applicant is that of collecting the amount of daily deposit during the period March 2017 to October 2017 on behalf of the co-accused. In the FIR itself the first informant alleges that as the first informant was pursuing the co-accused Vishvanath Chitte to repay the amount, he started to send the applicant and another person Vaibhav Katap, to collect the daily deposit. The tenor of the allegations in the FIR is primarily and singularly against co-accused Vishvanath Chitte.

5. The question as to whether the applicant was a privy to the crime and shared the dishonest intention or was the beneficiary of the fraud would warrant investigation. Prima facie, it does not appear that the applicant was a beneficiary of the alleged fraud.”

7. The role attributed to the applicant appears, by and large, similar to that of

Bhimashankar Birajdar. Thus, I am inclined to make the order of interim bail absolute.

8. Hence, the order of interim bail dated 18 June 2024 is made absolute on the terms and conditions incorporated therein.

9. In the event the chargesheet is lodged, the Applicant shall regularly attend the proceedings before the jurisdictional Court.

10. By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for pre-arrest bail only.

Application disposed.

(N.J.JAMADAR, J.)