



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2693 OF 2023**

Netaji Ganpati Kamble ... Applicant
versus
State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.3968 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.2693 OF 2023

Laila Altabegul Ichalkrnje ... Applicant/Intervener
and
Netaji Ganpati Kamble ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Sachin Thorath with Mr. Dhananjay Bhosale i/by Mr. Ashok Janrao, for Applicant.

Mr. A.A.Naik, APP for State.

Ms. Samruddhi Kulkarni h/f Mr.Ajit Savagave, for Intervener.

API Dinesh Kashid, Shivaji Nagar Police Station, Ichalkaranji, present.

CORAM: N.J.JAMADAR, J.

DATE : 21 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.26 of 2023 registered with Shivaji Nagar Police Station, Kolhapur, for the offences punishable under Sections 406 and 420

read with Section 34 of the Indian Penal Code.

3. By an order dated 26 September 2023, this Court was persuaded to grant interim bail to the applicant observing, *inter alia*, as under :

“3. The applicant had allegedly induced the first informant to part with a sum of Rs. 2,85,000/- by making false representation that the applicant will secure a loan of Rs. 40 to 50 lakhs from Chief Minister Employment Generation Scheme. After repeated persuasion, the applicant refused to repay the said amount and instead threatened to implicate the first informant in an offence.

4. The learned counsel for the applicant submitted that in respect of the very same occurrence the first informant had lodged private complaint. Subsequently, after a delay of about one year, the first information report has been lodged. It was further submitted that the informant had allegedly paid the amount in cash and there is nothing to show that any amount was credited to the account of the applicant.

5. Learned APP submitted that the allegations in the first information report indicate that an amount of Rs. 50,000/- was paid by a cheque and another sum of Rs. 15,000/- was credited online. Learned APP seeks time to take instructions.

6. In view of the nature of the accusations, investigation is warranted to ascertain the genuineness of the allegations in the

first information report especially as regards the inducement to part with the amount by the applicant. I am, therefore, inclined to protect the liberty of the applicant by directing him to join in the investigation.”

4. Learned Counsel for the Applicant submits that pursuant to the aforesaid order, the applicant has appeared before the Investigating Officer and has cooperated with the investigation. Post completion of the investigation, charge sheet has also been lodged.

5. Learned APP and the learned Counsel for the Intervener/First informant, concur with the aforesaid submissions.

6. As the investigation is complete, at this length of time, further custodial interrogation of the applicant does not seem to be warranted. The offence under Section 420 of the IPC entails punishment which may extend to 7 years. Having regard to the nature of the accusation and the reasons which weighed with this Court in granting interim bail, I am inclined to make the order of interim bail absolute.

7. Hence, the following order :

ORDER

- (i) The Application stands allowed.
- (ii) The order dated 26 September 2023 granting interim bail to the applicant is made absolute on the terms and conditions incorporated therein.
- (iii) In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.
- (iv) 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.
- (v) Interim Application No.3968 of 2023 also stands disposed.

(N.J.JAMADAR, J.)