

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

ANTICIPATORY BAIL APPLICATION NO.46 OF 2024

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Santosh Laxman Shide

...Applicant

versus

The State of Maharashtra

.... Respondent

Mr. Raviraj Gamare a/w Ms. Shubhangi C. i/b

Mr. Manoj Gaikwad for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM: SARANG V. KOTWAL, J.

DATE : 10th JANUARY 2024

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No.737 of 2023, registered at Rabale Police Station on 23rd December 2023 under Section 420 read with Section 34 of the IPC.
2. The FIR is lodged by one Rozina Palande. She has stated that she was knowing one Ujwala Naik. The informant was interested in purchasing a small shop for her salon. The accused Ujwala Naik offered to show a place at Airoli. She told the

informant that she would take commission of Rs.13,000/- and informant would have to pay Rs.5,00,000/- as token. On 22nd December 2023, the informant sold her ornaments and raise that amount. The accused Ujawala Naik met the informant and her husband. All of them started for Navi Mumbai from Dombivali at about 2.00 P.M. Ujwala was talking with somebody on a phone call. They reached a restaurant at Navi Mumbai at 4.50 P.M. The accused Ujwala called one bearded person to show the shop. That unknown person, the informant and her husband were going towards that shop with the accused Ujwala Naik at about 4.20 P.M. That unknown person took the bag carrying money for verifying and suddenly went away in a car. The informant lost her money. On this basis, the FIR is lodged.

3. Learned Counsel for the applicant submitted that the applicant is not named in the FIR. It is not the prosecution case that the applicant was the person who had gone away with the money. The applicant was merely an estate agent and he had nothing to do with the alleged offence.
4. Learned APP, opposed this submission. According to her, the

investigation has revealed that the applicant and other two estate agents had called the accused Ujwala Naik to a particular shop which could be shown to the informant. The incident has taken place after that. Therefore, they were aware of the incident. She submitted that there are CDRs showing that the applicant was constantly in touch with the accused Ujwala. Therefore, he is also one of the offenders. His custodial interrogation is necessary to trace the person who had taken the money.

5. I have considered these submissions, and perused the CDRs of 22nd December 2023. There is one call exchanged between the applicant and Ujwala at around 11.30 A.M.. The next call was at around 12.40 P.M.. All other calls were after 4.44 P.M. i.e. after the incident had taken place. From this, it cannot be inferred that the applicant was actively involved in the offence. He was an estate agent. It was not unusual for him to suggest a place. Based on these vague allegations, at least in this offence, his custodial interrogation may not be justified. It would be sufficient if he cooperates with the investigation.

6. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.737 of 2023, registered with Rabale Police Station, the applicant is directed to be released on bail on his executing PR bond in the sum of Rs.30,000/- (Rs.Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station on 23rd January 2024, 24th January 2024, and 25th January 2024 between 1.00 P.M. to to 4.00 P.M. and thereafter as and when called. He shall cooperate with the investigation.
- (iii) The Anticipatory Bail Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)