

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

ANTICIPATORY BAIL APPLICATION NO.125 OF 2024

Prakash Dinkar Yadav

.... Applicant

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Vijaykumar Mane, Advocate for Applicant.
- Ms. Sharmila S. Kaushik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.26/2023, dated 25/01/2023, registered with Charkop Police Station, Mumbai, under sections 406, 420 r/w 34 of the Indian Penal Code.

2. Heard Mr. Vijaykumar Mane, learned counsel for the Applicant and Ms. Sharmila S. Kaushik, learned APP for the State.

3. The FIR is lodged by one Chandrasen Melekar. He wanted to purchase a room. One Amol Utekar working in his office told him that the present Applicant was his brother and he would get a room from MHADA at a lower price. The informant met the Applicant. He called one agent Mayuresh Kadam. The said main accused Mayuresh took the informant to new MHADA Colony, Building No.5, D-602, Jankalyan Nagar, at Malad (W) and showed a room. It was belonging to one Dipak Badreshwar. The price was fixed at Rs.24,50,000/-. The informant decided to purchase that flat. The informant paid money through cheque and cash. In all he paid Rs.14,61,000/-. The allegations are that on one occasion, the Applicant came to his house and took Rs.50,000/-. He was sent by the main accused Mayuresh. After that, the room was not given to the informant and his money was not returned. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the entire fraud is played by the main accused Mayuresh. The Applicant had merely introduced the informant to Mayuresh and

on one occasion had received Rs.50,000/- on behalf of Mayuresh. Beyond that, he has not played any role. He is not the beneficiary. The owner of the room Dipak is granted anticipatory bail by the Sessions Court. Therefore, on parity, the Applicant deserves the same protection.

5. Learned APP submitted that there is a reference that the Applicant had obtained Rs.50,000/- and he had introduced the main accused to the informant. Therefore, he has also played a definite role in the transaction.

6. I have considered these submissions. In the FIR the main allegations are against Mayuresh. The Applicant had introduced the informant to said Mayuresh. There is no direct allegations that the Applicant had received any money for himself. On one occasion, the Applicant had collected Rs.50,000/- from the informant. But he was sent by Mayuresh to collect that amount. Even Dipak had received certain amount as the room owner, but he is granted protection of anticipatory bail.

7. Considering the minimum role attributed to the present Applicant, his custodial interrogation is not necessary. He can be protected by an order u/s 438 of Cr.PC.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.26/2023, dated 25/01/2023, registered with Charkop Police Station, Mumbai, the Applicant is directed to be released on bail on his furnishing PR 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 stands disposed of accordingly.

(SARANG V. KOTWAL, J.)