

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1245 OF 2024

YUGANDHARA
SHARAD
PATIL

Mahesh Purushottam Waghela

.... Applicant

Versus

The State of Maharashtra

.... Respondent

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by
YUGANDHARA
SHARAD PATIL
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Mr. Keshav Chavan i/b Anita D. Marbhal, for the applicant.
Smt. Madhavi M. Mhatre , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 6th MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No. 95 of 2024 registered at Vile Parle Police Station, Mumbai, on 23/01/2024, under Sections 406, 420, 120-B and 34 of the Indian Penal Code.

2. Heard Mr. Keshav Chavan, learned counsel for the Applicant and Smt. Madhavi Mhatre, learned APP for the Respondent-State.

3. The FIR is lodged by one Santosh Aajgaonkar. The informant's cousin wanted to purchase a flat in Mumbai. He had an old flat at Bandra. He wanted to sell that flat and upgrade his residence by purchasing a new flat. Therefore, he wanted to purchase the flat at Vile Parle. For that purpose, he required Rs. 1,50,00,000/-. The FIR mentions that the informant and his cousin made efforts for raising that amount. They raised that amount in cash by approaching their friends. However, they found it difficult to purchase the flat by paying in cash. Therefore, they wanted to transfer that cash into the money deposited in the bank account. In that connection, they came to know that one Hemant Kedare would be in a position to convert the cash into acceptable amount deposited in the bank. The FIR mentions that in December 2023, there were different meetings and ultimately, the entire cash amount was taken to Hemant Kedare's office at Vile Parle on 11/12/2023. The FIR mentions that on the pretext of counting the cash, Hemant Kedare and the other employees from his office disappeared from the back door and the informant and his cousin lost that amount. On this basis, the FIR is lodged. The

investigation was carried out and the charge-sheet is filed.

4. Learned counsel for the Applicant submitted that even as per the prosecution case, the Applicant has not played any role in the main offence of misappropriation of that huge amount. However, he is apprehending his arrest because one of the arrested accused Manish Dubey has informed the police that the present Applicant has taken Rs. 3,50,000/- on the pretext of managing the police in favour of Manish Dubey. That amount is lost and therefore, the Applicant is apprehending his arrest. He submitted that the Applicant has no connection whatsoever with the main allegation of misappropriation of that huge amount. He has no connection with Kedare or any other employees or other accused from his office.

5. Learned APP submitted that the submissions of learned counsel for the Applicant made before the Court are substantially correct. The investigation has not revealed the direct connection of the Applicant with the main allegation of misappropriation of

that huge amount. The actual allegation as submitted by learned counsel for the Applicant is in respect of assurance given to Manish Dubey for managing the police and for that purpose taking amount amount of Rs. 3,50,000/- from him. She submitted that there is no corroborative evidence collected by the police in that behalf. She submitted that if the Applicant is to be protected, he be directed to co-operate with the investigation.

6. I have considered these submissions. Since the investigating agency has accepted that the Applicant has no connection with the main allegation of misappropriation of that huge amount of the informant and that there is nothing to show that he was directly connected with any of the main offenders in that particular offence, his case can be considered favourably. As far as other allegation of making representation to the accused Manish Dubey about managing the police and for that purpose taking Rs. 3,50,000/- from him is concerned, there is no corroborating piece of evidence with the investigating agency. In this view of the matter, custodial interrogation of the Applicant is

not necessary. He will have to co-operate with the investigation.

Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R No. 95 of 2024 registered at Vile Parle Police Station, Mumbai the Applicant is directed to be released on bail on his executing 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 attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)