

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2390 OF 2023

SANTOSH  
SUBHASH  
KULKARNI

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Chandrakant Sattu Chavan ...Applicant  
Versus  
State of Maharashtra ...Respondent

Mr. Mihir Gheewala, i/b Santosh Pawar, for the Applicant.  
Mrs. G. P. Mulekar, APP for the State/Respondent.  
API Santosh Chaudhari, Dadar Police Station, Mumbai  
present.

CORAM: N. J. JAMADAR, J.  
DATED: 17<sup>th</sup> JANUARY, 2024

**ORDER:-**

1. Heard the learned Counsel for the parties.
2. By this application under Section 439 of the Code of Criminal Procedure, 1973 ("the Code") the applicant seeks to be enlarged on bail in CR No.42 of 2023 registered with Dadar Police Station, Mumbai, for the offences punishable under Sections 420, 406, 465, 467, 468 and 471 of the Indian Penal Code, 1860 ("the Penal Code").
3. The indictment against the applicant and the co-accused is that the co-accused had induced the first informant and the victim to part with huge amount by making a false representation that they would be provided

tenement in the SRA Scheme. The co-accused and applicant had allegedly represented that the applicant would get the names of the first informant and the victims entered in Annexure-II to become eligible to get the tenements in the rehabilitation scheme. The first informant alleged that he was induced to part with a sum of Rs.5,00,000/- by making a representation that the applicant would get his name entered in Annexure-II.

4. The learned Counsel for the applicant submitted that there is an inherent discrepancy in the version of the first informant. The applicant was nowhere in the frame till the first informant was induced to part with the allegedly agreed consideration of Rs.35,00,000/-. Though it is alleged that the applicant was paid a sum of Rs.5,00,000/- to get the name of the first informant entered in Annexure-II yet in the complaint which the first informant had lodged before lodging FIR, the said role was attributed to one Rakesh Todankar. In any event, the applicant is in custody since 8<sup>th</sup> February, 2023 and investigation is complete for all intent and purpose, and, therefore, the applicant be released on bail.

5. The learned APP resisted the application. It was submitted that the applicant and co-accused have deceived

many persons in an identical fashion. Few more crimes being CR No.392/2022 and CR No.3/2022 at Dadar Police Station and CR No.610/2021 at N.M.Joshi Marg Police Station, have been registered against the applicant. Thus, the applicant, being an habitual offender, does not deserve the exercise of discretion.

6. I have perused the allegations in the FIR and the complaint lodged by the first informant on 21<sup>st</sup> October, 2022. *Prima facie*, there appears an inconsistency as regards the person to whom the sum of Rs.5,00,000/- was allegedly paid to get name of the first informant entered in Annexure-II. In the said complaint dated 21<sup>st</sup> October, 2022 the said role was attributed to Rakesh Todankar. The statement of Suresh Kothe also refers to the fact that initially the work was entrusted to the applicant and later on, the said work was given to Rakesh Todankar.

7. In the aforesaid view of the matter, a *prima facie* case is made to exercise the discretion in favour of the applicant. It is true, there are crimes registered against the applicant. The learned Counsel for the applicant submits that in those crimes the applicant has been released on bail. Nonetheless,

the apprehension on the part of the prosecution can be taken care of by imposing conditions.

8. Hence the following order:

**: O R D E R :**

- (i) Application stands allowed.
- (ii) The applicant Chandrakant Sattu Chavan be released on bail in CR No.42 of 2023 registered with Dadar Police Station, Mumbai, on furnishing a P.R. Bond of Rs.50,000/- with one or more sureties in the like amount to the satisfaction of the learned Magistrate.
- (iii) The applicant shall mark his presence at the concerned police station on the first Monday of every month in between 10.00 am. to 12.00 noon for the period of three years or till conclusion of the trial, whichever is earlier.
- (iv) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.
- (v) On being released on bail, the applicant shall furnish

his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

- (vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application stands disposed.

[N. J. JAMADAR, J.]