



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2564 OF 2023**

Pradeep Vasudeo Mulik	...	Applicant
versus		
State of Maharashtra	...	Respondent

Mr. Nilesh Pandit i/by Mr. Anjesh Nilesh Advocate LLP for Applicant.
Mrs. Geeta P. Mulekar, APP for State.
Mr. R.R.Ghadigaonkar, PSI Dadar Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 15 JANUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant who is arraigned in C.R.No.45 of 2022 registered with Dadar Police Station for the offences punishable under Sections 420, 465, 468, 471 read with Section 34 of the Indian Penal Code, has preferred this application for bail.
3. The first informant lodged a report with the allegations that in the year 2017, accused No.1 Sharad Pednekar, Co-accused Kishor and the applicant made a false representation that they would secure for the first informant a tenement developed by MHADA and induced him to part with a sum of Rs.35 Lakhs over a period of time. The applicant and the co-accused allegedly forged the documents to show that the tenement was allotted in the name of the first informant. However, with a view to camouflage the real transaction, accused No.1 Sharad Pednekar had executed

documents to show that there was a different transaction between the parties. On 30 May 2018, the applicant and co-accused Kishor Sarang had also acknowledged receipt of a sum of Rs.17,50,000/- by executing a document on a stamp paper of Rs.100 denomination. Neither the tenement was procured, as promised, nor the amount was repaid. Hence, the report.

4. Learned Counsel for the Applicant submitted that the allegations in the FIR qua the applicant are vague. The first informant claims to have paid the amount in cash to the applicant. Primarily the allegations are against the accused No.1. Co-accused Kishor Sarang has been released on bail by this Court by an order dated 12 October 2023 in Bail Application No.3425 of 2022. The applicant is similarly circumstanced. Hence, the applicant be released on bail.

5. Learned APP resisted the application for bail. It was submitted that the co-accused Kishor Sarang has deposited the amount to show his bonafide. Therefore, the applicant cannot claim parity.

6. I have perused the allegations in the FIR. Primarily the allegations are against Accused No.1 Sharad Pednekar. Prima facie, there does not seem to be any instrument which the applicant had allegedly executed acknowledging receipt of a sum of Rs.17,50,000/- along with co-accused Kishor Sarang.

7. In any event, there is no qualitative distinction between the role attributed to the applicant and the co-accused Kishor Sarang, against whom identical

allegations have been made. The fact that co-accused Kishor Sarang deposited a certain amount cannot be a relevant consideration in the matter of grant of bail.

8. The applicant is in custody since 6 August 2022. Investigation is complete. Chargesheet has been lodged. Further detention of the applicant seems to be wholly unwarranted. I am, therefore, impelled to exercise the discretion in favour of the applicant.

9. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant - Pradeep Vasudeo Mulik be released on bail in C.R.No.45 of 2022 registered with Dadar Police Station, on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence before the concerned police station on first Monday of every month in between 11 am to 1 pm till framing of charge and, thereafter, shall abide by the directions issued by the trial Court.

(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 disposed.

(N.J.JAMADAR, J.)