

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

ANTICIPATORY BAIL APPLICATION NO. 3203 OF 2023

Satish Barku Pawar	 Applicant
v/s.	
The State of Maharashtra and anr.	 Respondents

Mr. Aarif Ali for the Applicant.
Ms. M.M. Deshmukh, APP for the State.
Ms. Keral Mehta, appointed for Respondent No.2.
Mr. Ganesh Gite, PSI, Dahisar Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th JANUARY, 2024.

P. C. :-

. This is the 2nd Application for pre-arrest bail filed by the aforesaid applicant apprehending his arrest in C.R.No.592/2023 registered with Dahisar Police Station, Mumbai for offences punishable under sections 406, 420 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by the Respondent No.2- Tejal Vasudev Bhatade. The facts narrated in the FIR prima facie reveal that the Respondent No.2 was interested in purchasing a flat owned by Pushpalata Rajdhyaksha. The Respondent No.2 had stated that the Applicant herein was the Secretary of the

society and she had approached him for no objection for the purpose of availing loan. It is alleged that the Applicant induced her in paying an amount of Rs.3,70,000/- under the pretext of payment of room maintenance, property tax and redevelopment charges, etc. Subsequently, she learnt that the flat was already sold to Santosh Bhosale and Anita Bhosale and the Applicant was a signatory to the said agreement as a witness. The Respondent No.2 therefore lodged the FIR against the Applicant for cheating and misappropriation.

3. The previous application for pre-arrest bail was withdrawn when the Court had expressed disinclination to grant the relief. The present application for pre-arrest bail is filed mainly on the ground that the Applicant has paid an amount of Rs.4,70,000/- to the Respondent No.2 and the Respondent No.2 has given no objection to quash the FIR.

4. The records reveal that Pushpalata Rajdhyaksha was the owner of the flat in a housing society of which the Applicant was the Secretary. The Applicant was not related to Pushpalata, despite which Pushpalata has purportedly executed a Will in his favour. He also had a joint account with Pushpalata. It is stated that the sale consideration of Rs.36,00,000/- deposited in the account of Pushpalata by Santosh

Bhosale and his wife was transferred in favour of the Applicant. All these facts, including the genuineness of the Will, which have come on record in the course of the investigation, need to be probed. Whether Pushpalata was also a victim of the crime is yet to be ascertained. In the light of the above, when the Court expressed disinclination to grant the relief, learned counsel for the Applicant once again sought leave to withdraw the Application. Leave granted. Application is dismissed as withdrawn.

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(SMT. ANUJA PRABHUDESSAI, J.)