



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3529 OF 2023**

Kalpesh Prabhakar Borse	...	Applicant
versus		
State of Maharashtra	...	Respondent

Mr. Maitreya Shukla i/by Mr. Madhusudan Pareek, for Applicant.
Mr. S.R.Aagarkar, APP for State.
API Sachin Choudhari, Upnagar Police Station, Nashik City present.

CORAM: N.J.JAMADAR, J.

DATE : 22 APRIL 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.440 of 2023 registered with Upanagar Police Station, Nashik, for an offence punishable under Section 420 read with Section 34 of the Indian Penal Code.
3. By an order dated 20 December 2023, this Court was persuaded to grant interim bail, inter alia, observing, as under :

“3. The first informant lodged a report with the allegations that during the period January, 2017 to March, 2023, the applicant and the co-accused induced the first informant to part with an amount of Rs.10,00,000/- by making a false representation that the first informant's son would be provided an employment in an institution run by the co-accused Apoorva Hire. Out of the said amount a sum of Rs.5,00,000/- was paid to the applicant. Eventually, towards the repayment of the said amount, the applicant had issued a cheque for an amount of Rs.5,00,000/-,

which was dishonoured on presentment.

4. The learned Counsel for the applicant submitted that the applicant had not made any false representation nor the applicant had induced the first informant to pay the amount. The amount which was allegedly paid to the applicant was transferred to the co-accused. Nonetheless, without prejudice to the rights and contentions of the applicant and to show the bonafide, the applicant is ready to deposit a sum of Rs.5,00,000/-.

5) In view of the aforesaid statement, it may be expedient to grant interim protection to the applicant subject to making deposit of Rs.5,00,000/-.”

4. Learned Counsel for the Applicant, on instructions, submits that in terms of the said order, the applicant has deposited a sum of Rs.5 Lakhs in the Court of jurisdictional Magistrate, Nashik.

5. In view of the aforesaid statement and having regard to the nature of the accusation, further custodial interrogation of the applicant does not seem warranted. I am, therefore, persuaded to make the order of interim bail absolute.

6. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The order of interim bail dated 20 December 2023 is made absolute on the terms and conditions incorporated therein.

(iii) The applicant shall regularly attend the proceedings before the

jurisdictional Court.

(iv) The application stands disposed.

(v) It is, however, clarified that the observations are confined to the consideration of the entitlement for pre-arrest bail and the trial court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR, J.)