

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

Anticipatory Bail Application No. 1516 of 2024

Bhagwan Pandurang Khade
Age 76 years, Occ. Business,
R/at. Room No.1864, Building
No.58, Near Abhyudaya Bank,
Nehru Nagar, Kurla (E),
Mumbai – 400 024.

...Applicant

Vs.

The State of Maharashtra
At the instance of Nehru Nagar
Police Station at Mumbai.

...Respondent

Mr Ritesh Karkera, for the applicant.
Mr Amit Palkar , APP, for the respondent/ State.
PSI Gadage S.R., Nehru Nagar Police Station is present.

Coram: R. N. Laddha, J.
Date: 24 July 2024

P.C.

Heard Mr Ritesh Karkera, the learned counsel for the applicant and Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State.

2. This is an application filed for pre-arrest bail by the applicant, apprehending arrest in CR No.160 of 2024, registered at Nehru Nagar Police Station, Mumbai, for the offences punishable under Sections 420 read with 34 of the Indian Penal Code.

3. The prosecution alleges that the applicant, along with co-accused, under the pretext of providing a job for the post of clerk in the

Municipal Corporation of Greater Mumbai accepted Rs.6 lakhs from the informant. Subsequently, they did not fulfil the promise and failed to return the accepted amount.

4. Mr Ritesh Karkera, the learned Counsel for the applicant, submits that the applicant is a senior citizen aged about 76 years and has been falsely implicated in the present crime. There is an unexplained substantial delay in filing the FIR. The dispute is purely between the co-accused and the informant, and the present FIR is an attempt to recover the alleged sum from the applicant. The applicant is not the beneficiary. The applicant is accused of introducing the informant to the co-accused, who accepted the alleged sum. The applicant is ready and willing to cooperate with the investigation and abide by the terms and conditions imposed by the Court.

5. At the outset, Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State, acknowledges the applicant's limited role in the crime, and on instructions, he submits that the applicant's custody is not required.

6. After perusing the records, it appears that the applicant has introduced the informant to the co-accused, who accepted the amount of Rs.6 lakhs from the informant. The applicant is not the recipient or the beneficiary of the alleged sum. The learned APP acknowledges that the applicant's custodial interrogation is not necessary. The applicant is a senior citizen aged about 76 years. Considering the above and having regard to the nature of the allegations, the application deserves to be

allowed. Hence, the following order:

ORDER

- (i) In the event the applicant is arrested in CR No.160 of 2024, registered at Nehru Nagar Police Station, Mumbai, he shall be released on bail upon executing a PR bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station as and when required.
- (iii) The applicant shall not, himself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses.

7. The application stands disposed of accordingly.

(R. N. Laddha, J.)