

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

Anticipatory Bail Application No. 1985 of 2024

Ninad Prashant Kelaskar
Age 29 years, Occ. Student,
having address at Room No.2,
Sahakar Road, Near Hanuman
Mandir, Lakhai Yadav Chawl,
Jogeshwari (W), Mumbai – 400 102.

...Applicant

Vs.

The State of Maharashtra
(through the officials of Gamdevi
Police Station)

...Respondent

Mr Harshad Bhadbhade a/w. Deepali Bagla and Harshad Kandalkar, for
the applicant.

Mr. Amit A. Palkar, APP for the Respondent – State.
API Satrdekar, Gamdevi Police Station, is present.

Coram: R. N. Laddha, J.
Date: 18 July 2024

P.C.

This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.216 of 2024, registered at Gamdevi Police Station, Mumbai, for the offences punishable under Sections 406, 420, 465, 467, 471, 474 read with 34 of the Indian Penal Code.

2. The prosecution alleges that the applicant and co-accused Santosh Kelaskar induced the complainant to pay Rs. 10,30,000 /- by falsely promising him a government job using a forged offer letter.

3. Mr Harshad Bhadbhade, the learned Counsel appearing on behalf of the applicant, contends that the applicant's role was merely to introduce the complainant to the co-accused, Santosh. It was Santosh who received the alleged sum, not the applicant. Furthermore, Santosh has already granted bail, and a charge sheet has been filed. Nothing is to be recovered from the applicant. The applicant is ready to comply with the conditions set by the Court.

4. Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State, contends that the co-accused, Santosh, disclosed in his statement that the applicant was aiding him. Both, the applicant and Santosh, are alleged to have misappropriated Rs.10,30,000/- from the complainant. The charge sheet has been filed only against Santosh. If the applicant is granted bail, he may tamper with the evidence or influence the witnesses.

5. After reviewing the records, the applicant appears to be accused of introducing the complainant to co-accused, Santosh. When the alleged sum was transferred by the complainant to Santosh, the applicant was not present. *Prima facie*, the record does not suggest that the applicant was a beneficiary of this sum. Except for the co-accused statement, no material on record links the applicant to the crime. Additionally, co-accused Santosh has been released on bail, and a charge sheet has been filed. Appropriate conditions can be imposed to address the prosecution's concerns about evidence tampering and

witness interference. Considering these allegations and the circumstances, this Court is inclined to allow the present application. Hence the following order:

ORDER

(i) In the event the applicant is arrested in connection with CR No.216 of 2024, registered at Gamdevi Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and on furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence any witnesses.

6. The observations made herein are *prima facie* in nature to decide the anticipatory bail application.

7. The application stands disposed of accordingly.

(R. N. Laddha, J.)