

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2037 OF 2024

Ravi Suresh Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Aabad Ponda, Senior Counsel a/w Mr. Nitin Karhale i/b Mr. Swapnil Ambure, for the Applicant.
- Mr. Tanveer Khan, APP for Respondent.
- Mr. Rahul Kolambikar, API, Swargate Police Station.

CORAM : MANISH PITALE, J.

DATE : 30th SEPTEMBER, 2024.

P. C. :

1. Heard learned senior counsel appearing for the applicant and learned APP for respondent – State.
2. On 07.08.2024, this Court has granted interim relief in favour of the applicant and the applicant was directed to cooperate with investigation, with a specific direction to appear before the Investigating officer on 09.08.2024 and thereafter as and when called by the Investigating Officer.
3. The learned APP, on the instructions of the Investigating Officer, submits that the applicant did remain present as directed by this Court. It was further submitted that although the applicant did remain present, he has not cooperated fully with the Investigating Officer.

4. This Court is of the opinion that full cooperation with investigation does not mean that the applicant / accused is expected to confess to his guilt. So long as the applicant has remained present before the Investigating Officer and cooperated with the investigation, the grievance being raised against him appears to be misplaced.

5. In any case, while granting interim relief, in the order dated 07.08.2024, this Court had recorded the following reasons :

“8. Having heard the counsel in the light of the material on record, this Court is inclined to grant interim relief, so long as the applicant is ready to cooperate with the investigation, for the following reasons :

- (i) The MoU dated 14.07.2023, placed on record indeed shows prima facie that the informant was aware about the amount of ₹ 1.30 Crores fixed as the amount of consideration that could be arranged for the sale of the subject land.*
- (ii) The statement of the witness, who is an employee with the office of the Sub Registrar shows that all parties, including the informant was made aware about the valuation of the property at ₹ 3 Crores and commensurate stamp duty having been paid for the same.*
- (iii) The informant approached the police after delay of about 10 months to raise grievance with regard to the transaction in question and the*

alleged role of the applicant.

- (iv) *The whatsapp messages exchanged between the applicant and the informant prima facie indicate that immediately after execution of the sale deed or within a reasonable time thereafter, the informant did not make any grievance.*
- (v) *The complaint filed before the EOW was closed but the material that came on record indicated that prior to execution of the subject sale deed, the informant had even agreed for consideration amount of ₹ 82 Lakhs for the subject property.”*

6. This Court is of the opinion that the said reasons hold good even today and the learned APP has not been able to explain as to why such reasons can be said to be unfounded or that any material has come on record to dispel the impression carried by this Court when interim relief was granted.

7. Hence, for the above quoted reasons and also considering the fact that the applicant has indeed remained present before the Investigating Officer, this Court is inclined to confirm the interim order and to allow the present application.

8. In view of the above, the interim order dated 07.08.2024 is confirmed and the application is allowed. The applicant shall continue to cooperate with the investigation, including remaining present before the Investigating Officer as and when called till filing of the charge-sheet.

9. The applicant shall not tamper with the evidence in any manner.
He shall not influence the informant, witnesses or any other persons concerned with the case.
10. The application is disposed of.

(MANISH PITALE, J.)