

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

ANTICIPATORY BAIL APPLICATION NO.2057 OF 2024

Dilip Laduram Patel

Age 33 years, Occupation: Business,

Resident of Bldg No.A/1, Room No.301

& 302, Mansarovar, Bhiwandi,

District Thane.

... Applicant

v/s.

State of Maharashtra

(At the instance of Bhiwandi City

Police Station, District Thane).

... Respondent

....

Mr Meghashyam Kocharekar, for the Applicant.

Mr Amit A Palkar, APP, for Respondent State.

....

Coram : R.N. Laddha, J.

Date : 25 July 2024

P.C. :

. Heard Mr. Meghashyam Kocharekar, learned counsel for the applicant and Mr. Amit Palkar, learned Additional Public Prosecutor representing the respondent – State.

2. The applicant is seeking pre-arrest bail in connection with CR No.345 of 2023, registered at Bhiwandi City Police Station, Thane, for the offences punishable under Sections 420, 406, 323, 504, and 506 read with 34 of the Indian Penal Code.

3. It is the case of the prosecution that Goparam Patel, co-accused, offered the sale of his property at Village Khoni, Taluka Bhiwandi, to the informant and in lieu thereof, the informant paid Rs.90 Lakhs to all the accused party by cheque and partly in cash. Despite receipt of the payment, the accused did not register the sale deed, sold the property to a third person and threatened the informant.

4. Mr. Kocharekar, the learned counsel for the applicant, submits that the applicant has been falsely implicated in the present crime. Although the transaction occurred in 2015, the FIR was filed in 2023. The alleged sale deed dated 2 March 2015 is not registered, and the applicant is not a signatory to it. Furthermore, the applicant has never engaged in any transaction with complainant, nor has he received any sum as alleged. The accusation of the applicant receiving the amount is unfounded and lacks supporting details.

5. On the other hand, Mr. Amit Palkar, the learned Additional Public Prosecutor, contends that the applicant received Rs.20 Lakhs from the complainant, and a specific role has been attributed to the applicant in the FIR.

6. Upon perusing the records, it appears that the alleged transaction took place in 2015. There is unexplained delay of eight years in

lodging the FIR. The applicant is not a party to the alleged sale deed, and all relevant documents are already in the possession of the investigating agency. The investigation is on the verge of completion.

7. In view of the aforesaid and having regard to the nature of the allegation made against the applicant, this Court is inclined to grant pre-arrest bail to the applicant. Accordingly, the application is allowed in the following terms.

- (i) In the event of the applicant's arrest in CR No.345 of 2023, registered at Bhiwandi City Police Station, Thane, he be released on bail on executing a PR bond of Rs.25,000/- with one or more sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station as and when required and cooperate with the investigation.
- (iii) The applicant, himself or through any other person, shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

(R.N. Laddha, J.)