

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

Anticipatory Bail Application No.2330 of 2024

Dilip Ramdas Deshmukh

Age : 70 years, Indian Inhabitant

R/at A-202, Tulsi Sagar CHSL

Plot No.106, Sector 28, Nerul(W)

Navi Mumbai-400706.

... Applicant.

Vs.

The State of Maharashtra

(Through CBD Belapur Police Station,

Navi Mumbai)

... Respondent.

Mr Sujay Gawade a/w Sumedha Dhopate a/w Mudita Pawar i/by
Shree & Co. for the applicant.

Mr Yogesh Y. Dabake, APP for Respondent/State.

Coram : R.N.Laddha, J.

Date : 20 August 2024.

P.C. :

Heard Mr Sujay Gawade, the learned Counsel appearing on behalf of the applicant and Mr Yogesh Dabake, the learned Additional Public Prosecutor representing respondent/State.

2. By this application, the applicant is seeking pre-arrest bail in connection with the CR No. 135 of 2024, registered with CBD Belapur Police Station, Navi Mumbai, for the offences punishable

under Sections 406, 420, 465, 467, 468, 471, 120-B read with 34 of the Indian Penal Code.

3. The prosecution alleges that the applicant, in collusion with the co-accused, prepared forged documents, executed a deceitful agreement with the informant and thereby dishonestly obtained a sum of Rs.66,75,000/-.

4. Mr Sujay Gawade, the learned Counsel for the applicant, submits that the applicant did not profit from the transaction, nor did he enter into an agreement with the informant. Instead, the applicant solely acted as a mediator. The applicant was not aware about the alleged forged documents and he did not receive any brokerage commission. The applicant had no involvement in the transfer of amount to co-accused Mangesh Koli. Notably, Mangesh Koli was arrested and subsequently granted bail. With the investigation nearing completion, the learned Counsel pointed out WhatsApp chat records showing the genuine efforts of other co-accused to persuade Mangesh Koli to return the amount to the informant.

5. Conversely, Mr Yogesh Dabake, the learned APP, representing the State, submits that the applicant, in collusion with other co-accused, prepared a forged CIDCO sanction letter and

deceived the informant into handing over a substantial amount of money. The investigation is in progress, and it has been revealed that the applicant participated in the meetings where negotiations took place, further indicating their involvement in the alleged deception.

6. After reviewing the records, the allegations against the applicant appears to be that he attended the meetings, and in collusion with other co-accused, created a forged sanction letter. However, there is nothing on record to suggest that the applicant was indulged in creating a forged CIDCO sanction letter. Moreover, the prosecution nowhere claims that the applicant benefitted from the transaction. The WhatsApp chat record suggest that once the co-accused discovered the forgery, they encouraged Mangesh Koli to return the amount to the informant. Notably, co-accused Mangesh Koli was arrested and later released on bail. As the investigation is nearing completion, and nothing is to be recovered or discovered from the applicant, this Court is inclined to grant pre-arrest bail to the applicant. Accordingly, the application is allowed. Hence, the following order.

ORDER

- (i) In the event of the applicant's arrest in C.R. No.135 of 2024 registered at CBD Belapur Police Station, Navi Mumbai, he shall be

released on bail, upon furnishing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall cooperate with the investigation and attend the concerned police station as and when required.

(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.

7. It is made clear that observations made hereinabove, are *prima facie*, and only for the purpose of deciding the present application.

8. The application stands disposed of.

[R. N. Laddha, J.]