

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

Anticipatory Bail Application No. 2337 of 2024

1. Sudhakar Vitthal Narvekar

Age 61 years, Indian Inhabitant,
R/at. 303, Jacob Apartment, 439,
Baburao Parulekar Road, Dadar (W),
Mumbai – 400 028.

2. Dilip Bhaskar Bhingarde

Age 61 years, Indian Inhabitant,
R/at. Rm. No.302, 3rd Floor, Shree
Sai Nirmala Bldg., Baburao Parulekar
Road, Dadar (W), Mumbai – 400 028.

... Applicants

Vs.

State of Maharashtra

At the instance of BKC Police Station

... Respondent

Mr Sandeep Sherkhane, for the Applicants.

Mr Yogesh Y. Dabke, APP, for the Respondent/ State.

API Abhijit Thorat, BKC Police Station, Mumbai, is present.

Coram: R. N. Laddha, J.

Date: 25 September 2024

P.C.:

By this application, the applicants seek bail in anticipation of arrest in connection with CR No.259 of 2023, registered at Bandra Kurla Complex Police Station, Mumbai, for offences

punishable under Sections 406, 408, 420, 465, 467, 468, 471 and 474 read with 34 of the Indian Penal Code.

2. According to the prosecution, the applicant and the co-accused dishonestly induced the informant to pay a substantial sum of Rs.68 lakhs as commission. This payment was purportedly to secure a bank guarantee worth Rs.2 crores. It is further alleged that these accused provided false and fabricated bank guarantees, supposedly issued by the State Bank of India, Santacruz East branch, Mumbai. Despite receiving the commission, the accused did return the accepted commission.

3. Mr Sandeep Sherkhane, the learned Counsel appearing on behalf of the applicants, contends that the FIR fails to provide specific details regarding the applicants' involvement in the alleged crime. The learned Counsel asserts that the applicants have no potential gain from the transaction. Furthermore, the primary perpetrator was arrested. The alleged forged documents are in the possession of the investigating authority. Mr Sherkhane emphasises that the applicants have fully cooperated with the investigation by attending the police station and providing their statements. As nothing remains to be recovered or discovered from the applicants, their custody is unwarranted. The applicants are also willing to comply with any conditions the Court imposes.

4. At the outset, Mr Yogesh Dabke, the learned Additional Public Prosecution representing the respondent/ State, on instructions from the investigating officer present in the Court, confirms that the applicants have attended the Police Station and cooperated with the investigation. Furthermore, with the investigation concluded, the prosecution does not seek the applicants' custody indicating its no-objection for granting anticipatory bail to the applicants.

5. After perusing the records, it appears that the allegations in the FIR against the applicants are bereft of details and do not indicate their involvement in the alleged crime. At first glance, there is no material to suggest that the applicants have benefited from or received any funds related to the crime. The learned APP confirms that the applicants have cooperated with the investigation, which has now been completed. Consequently, the applicants' custody is deemed unnecessary. Furthermore, the prosecution has expressed its no-objection to granting pre-arrest bail under appropriate conditions. In this backdrop, this Court is inclined to exercise its discretion in favour of the applicants. Hence, the following order:

ORDER

(i) In the event of the applicants' arrest in CR No.259 of 2023, registered at Bandra

Kurla Complex Police Station, Mumbai, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(ii) The applicants shall attend the concerned Police Station as and when required till the filing of the charge sheet.

(iii) The applicants, themselves or through any other person, shall not indulge in any activity that may tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

(R. N. Laddha, J.)