

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

Anticipatory Bail Application No. 2478 of 2024

Ajay S/o. Manik Dongre
Age 36 years, Occ. Business,
R/o. Room No.11/1, Priyadarshani
Co. Op. Chs. Poona Link Road,
Near Mahadev Apartment,
Katemanvali, Kalyan (East),
Kalyan, Thane.

...Applicant

Vs.

The State of Maharashtra
Through Incharge Police Station Officer,
Kolsewadi Police Station, Kalyan, Thane.

...Respondent

Ms Pooja Dongre a/w. Ms. Anagha Pedgaonkar, for the Applicant.
Mr Yogesh Y. Dabke, APP, for the Respondent/ State.
Mr Kartik Garg i/b. Mr Prathamesh Mhaskar, for the Intervenor.
API YM Dhongade, Kolsewadi Police Station, is present.

**Coram: R. N. Laddha, J.
Date: 4 September 2024**

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.818 of 2024, registered at Kolsewadi Police Station, Thane, for offences punishable under Sections 318(4) read with 3(5) of the Bharatiya Nyaya Sanhita.

2. According to the prosecution, on 3 August 2016, the

informant sold her father's property to Dr Mangesh Kasle for Rs.10,50,000/-. She then gave this amount to the co-accused, Sanjay Dongre, in exchange for two 250 sq. ft. rooms in his ongoing project at Vadavli Gaon, Ambernath, Thane. This arrangement was documented in a Memorandum of Understanding. Later, the co-accused faced financial difficulties as the construction had stopped and borrowed Rs.7,20,000/- from the informant, promising to repay it within three days. It is alleged that the applicant, who signed the Memorandum of Understanding, and the co-accused deceived the informant by inducing her to part with funds and failed to deliver the property and repay the loan.

3. Ms Pooja Dongre, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been falsely accused in this case and has no criminal antecedents. The allegations in the FIR lack specific details. There is an unexplained delay in lodging the FIR, as the alleged offence took place in August 2016, but the FIR was only lodged in July 2024. The applicant did not benefit from the transaction, and a civil dispute has been given a criminal colour. The learned Counsel also contends that the applicant's custodial interrogation is unnecessary since the relevant documents are already with the investigating agency. The applicant is willing to comply with the conditions imposed by the Court.

4. Mr Yogesh Dabke, the learned Additional Public Prosecutor representing the respondent/ State, and Mr Kartik Garg, the learned Counsel appearing on behalf of the informant/ intervenor, jointly submit that the applicant misappropriated the informant's funds and failed to deliver the possession of the property, as the project was non-existent. The learned APP further contends that the seriousness of the offence necessitates the applicant's custody. Additionally, there is a concern that if released on bail, the applicant may tamper with the evidence or influence the witnesses.

5. After reviewing the records, it seems that the allegations in the FIR *qua* the applicant are centered on his attestation to the Memorandum of Understanding between the informant and the co-accused. These allegations lack specific details regarding the applicant's involvement in the alleged offence. Although the incident purportedly took place in August 2016, the informant only reported it in July 2024, with no explanation for this delay. *Prima facie*, the applicant does not appear to have benefited from the alleged transaction. The dispute is of a civil nature and relies on documentary evidence, which is already with the investigating agency. Appropriate conditions can be set to address concerns about tampering with evidence and influencing witness. In light of the above, this Court is inclined to grant pre-arrest bail to the

applicant. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.818 of 2024, registered at Kolsewadi Police Station, Thane, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required.

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

6. The application stands disposed of accordingly.

(RN Laddha, J.)