

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

Anticipatory Bail Application No. 2482 of 2024

Sanjay S/o. Manik Dongre
Age 41 years, Occ. Business,
R/o. Room No.11/1, Priyadarshani
Mahalaxmi Shopping Centre,
Near Mahadev Apartment,
Katemanvali, Kalyan East,
Kalyan, Thane.

...Applicant

Vs.

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

...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 Y. M. 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. The prosecution claims that on 3 August 2016, the informant sold her father's property to Dr Mangesh Kasse for Rs.10,50,000/-. The informant then transferred this amount to the applicant in exchange for two 250 sq.ft. rooms in his ongoing project at Vadavli Gaon, Ambernath, Thane, as documented in a Memorandum of Understanding. Subsequently, the applicant encountered financial difficulties due to stalled construction and borrowed Rs.7,20,000/- from the informant, promising to repay within three days. It is alleged that the applicant deceived the informant by taking the money and failing to either deliver the property or repay the loan as promised.

3. Ms Pooja Dongre, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been falsely implicated in the present case and has no criminal antecedents. She points out the significant delay in lodging the FIR, noting that the alleged incident occurred in August 2016, but the FIR was only lodged in July 2024. The learned Counsel asserts that the matter is essentially civil in nature but has been given a criminal colour. Furthermore, she contends that the applicant's custodial interrogation is unnecessary since all the relevant documents are with the custody of the investigating agency. The applicant is willing to adhere to any conditions set 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 assert that the applicant misappropriated the informant's money and failed to deliver the possession of the property, as the project was non-existent. The learned APP further contends that the gravity of the offence necessitates the applicant's custodial interrogation. If released on bail, the applicant may tamper with the evidence or influence witnesses.

5. Upon perusing the records, it is evident that there is an unexplained delay in filing the FIR, as the alleged incident took place in August 2016, but the crime was reported only in July 2024. Apart from the allegations in the FIR, there is no material available on record to suggest the applicant's involvement in the crime. The dispute seems to be of a civil nature, relying on documentary evidence, which is already in possession of the investigating agency. Appropriate conditions can be imposed to address the prosecution's concerns about evidence tampering and witness influence. Considering these factors, 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.)