

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3260 OF 2024**

Suryakant Prabhakar Golapkar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

**WITH
INTERIM APPLICATION NO. 5102 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 3260 OF 2024**

ALONGWITH

ANTICIPATORY BAIL APPLICATION NO. 3261 OF 2024

Preeti Suryakant Golapkar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

**WITH
INTERIM APPLICATION NO. 5103 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 3261 OF 2024**

Mr. Nilesh Bagade for applicants in both ABAs.
Mr. Prasanna P. Malshe, APP for respondent-State in ABA/3260/2024.
Ms. Megha S. Bajoria, APP for respondent-State in ABA/3261/2024.
Mr. Yogesh More a/w. Mr. Amol Maske for applicant in both interim applications.
Mr. Dattatray Wane, PSI, Khandeshwar Police Station, District Navi Mumbai.

**CORAM : MANISH PITALE, J.
DATE : 11th DECEMBER, 2024**

P.C. :

. Heard learned counsel for the applicants and the learned APPs for the respondent-State.

2. The applicants herein have approached this Court, as they apprehend arrest in connection with FIR No.0209 of 2023 dated 01.08.2023, registered at Khandeshwar Police Station, Navi Mumbai, for offences under Sections 409 and 420 read with Section 34 of the Indian Penal Code, 1860 (IPC). The applicants herein are husband and wife.

3. The informant in the present case is an officer of Legal Department of GIC Housing Finance Limited. The allegation against the applicants and the co-accused persons is that they, in connivance with a Direct Sale Associate (DSA) and its agent, have cheated the informant by diverting amounts that were disbursed towards loan for particular tenements and thereby, they took advantage of the situation. It is alleged that the aforesaid scam came to light, amongst other things, when the CIDCO, which had allotted the flats, cancelled such allotments, upon noticing that payments were not made for flats, specifically allotted to the allottees, like the applicants before this Court.

4. The learned counsel for the applicants submits that even if the contents of the statement of the informant, which led to registration of FIR, are taken into consideration, it can be explained that this is a case where the DSA or the agent mixed up the demand drafts that were generated towards loan amounts to be disbursed to the applicants and others. It is submitted that in such a situation, the applicants were not aware as to what had happened behind their back and it came to light only when grievance was raised by the informant. It is submitted that the applicants are ready to appear before the investigating officer to explain the correct position.

5. On the other hand, the learned APPs and the learned counsel appearing for the intervenor (first informant) submit that criminal intent on the part of the applicants is evident from the material that has been unearthed upon enquiries made by the informant and upon registration of the FIR. It is submitted that the applicants are involved in this scam where third parties, who were not allotted the flats, were disbursed the loans and thereby, the informant was cheated. It is indicated that there is even default in the repayment of loan, thereby showing the complicity of the applicants.

6. This Court is of the opinion that in the light of the explanation sought to be given by the applicants and also in the light of the fact that enquiry/investigation would necessarily involve documentary material, coupled with the fact that the applicants have undertaken to co-operate with the investigation, while the present applications can be kept pending, interim relief can be granted in favour of the applicants, subject to specific conditions.

7. In view of the above, there shall be interim relief in the following terms:

- (a) Till the next date, in the event the applicants are arrested in connection with FIR No.0209 of 2023 dated 01.08.2023, registered at Khandeshwar Police Station, Navi Mumbai, they shall be released on bail on furnishing PR Bonds of ₹ 25,000/- each with one or two sureties each in the like amount to the satisfaction of the trial Court.
- (b) The applicants shall appear before the investigating officer on 14.12.2024 and 16.12.2024 between 10:00 a.m. and 12:00 noon and thereafter as and when called by the investigating

officer.

- (c) The applicants shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. They shall co-operate with the investigation, including producing documents in their possession, as may be demanded by the investigating officer.

8. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

9. List for further consideration on 13.01.2025, High on Board.

(MANISH PITALE, J)

Priya Kambli