

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

ANTICIPATORY BAIL APPLICATION NO.2568 OF 2024

Devappa Swamidas Samalraidu ... Applicant

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Induprakash Tripathi a/w Bhagyashri Gawas i/by C. K. Tripathi for the Applicant.

Mr. P. H. Gaikwad, APP for Respondent No.1-State.

Mr. Jigar Agarwal for Respondent No.2-first informant.

PSI Damgude Dattaji Dharmaji, Pairavi, Wadala T.T. PS is present.

CORAM : N.R. BORKAR, J.

DATE : 10TH NOVEMBER 2025

PC. :

1. This is an Application for anticipatory bail.
2. The Applicant is apprehending his arrest in Crime No.579 of 2024 registered with Wadala T.T. Police Station for the offences punishable under Sections 406, 420 read with 34 of the Indian Penal Code, 1860.
3. It is the case of the prosecution that the Applicant represented to the first informant and her husband that he is the owner of the flat at Sion, Koliwada. It is alleged that he took Rs.25,00,000/- from the complainant and her husband towards the sale of the said flat though MHADA was owner of the said flat.

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4. I have heard Learned Counsel for the Applicant, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2-first informant.

5. Learned Counsel for the Applicant submits that in terms of the order passed by this Court dated 13th September 2024, the Applicant has already deposited an amount of Rs.10,00,000/-. It is submitted that the Applicant has received an amount of Rs.13,50,000/- from the first informant and not an amount of Rs.25,00,000/- as alleged by the first informant. It is submitted that the Applicant, without prejudice to his rights and contentions, is ready and willing to deposit further amount of Rs.3,50,000/-. It is submitted that the Applicant has no objection, if the first informant is permitted to withdraw the entire amount of Rs.13,50,000/-.

6. On the other hand, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2-first informant submit that it is clear case of cheating. It is submitted that considering the nature of crime, the Applicant may not be released on anticipatory bail.

7. This Court has already permitted the Applicant to deposit Rs.10,00,000/-. There are no criminal antecedents against the present Applicant. Considering the overall facts and circumstances, I am inclined to release the Applicant on anticipatory bail. Hence, the following order:-

ORDER

- i. The Anticipatory Bail Application is allowed.

- ii. In the event of the arrest of the Applicant in Crime No.579 of 2024 registered with Wadala T.T. Police Station for the offences punishable under Sections 406, 420 read with 34 of the Indian Penal Code, 1860, he shall be released on bail on furnishing a PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
 - iii. The Applicant shall deposit an amount of Rs.3,50,000/- with this Court within a period of three weeks from today.
 - iv. After deposit of the said amount of Rs.3,50,000/-, the Respondent-first informant is permitted to withdraw the entire amount of Rs.13,50,000/- with accrued interest, if any.
8. The Anticipatory Bail Application is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)