

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

ANTICIPATORY BAIL APPLICATION NO. 861/2025

DATTARAM NAMDEO GAWAND

..APPLICANT

VS.

STATE OF MAHARASHTRA

..RESPONDENT

Adv. Zaid Qureshi a/w. Adv. Anima Mishra, Adv. Anuj Singh i/b.
Hulyalkar & Associates for applicant.

Mr. Amit A. Palkar, APP for State.

WITH

ANTICIPATORY BAIL APPLICATION NO. 3259/2024

RUPESH NARESH MHATRE

..APPLICANT

VS.

STATE OF MAHARASHTRA

..RESPONDENT

Adv. Hrishikesh Mundargi a/w. Adv. Sumit Erande i/b. Adv. Subir
Sarkar for applicant.

Mr. Amit A. Palkar, APP for State.

CORAM : RAJESH S. PATIL, J.

DATE : APRIL 24, 2025.

P.C. :

ANTICIPATORY BAIL APPLICATION NO. 3259/2024

1. The learned counsel for the applicant submits it is alleged that a sum of 3,52,000/- being deposited by two victims in cash in the account of the present applicant which amount was thereafter

transferred to accused no.1. In her email she has acknowledged the receipt of a sum of Rs.3,52,000/-.

2. The applicant is seeking liberty to deposit Rs.2 lakhs with the Registry of this Court liberty granted as prayed to deposit Rs.2 Lakhs with the registry by 3/5/2025.

3. Stand over to **5/5/2025** under the caption “**for directions**”.

4. The ad-interim protection granted earlier to continue till the next date of the hearing.

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5. This application is filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in connection with the First Information Report (FIR) No.119/2023 registered with the Uran Police Station, District Navi Mumbai, for the offence punishable under Sections 420, 406 read with 34 of the Indian Penal Code read with Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 read with Sections 3, 4 and 5 of the Prize Chits Money Circulation Scheme (Banning) Act, 1978.

6. The present applicant is arraigned as accused no.10 in the charge-sheet.

7. On 27/3/2025, the following order was passed by this Court.

By my earlier order dated 27th February, 2025 passed in Anticipatory Bail Application No. 3259 of 2024 of pre-arrest application of accused no.8, a protective orders have been passed and I have been told that the matter is coming up on 16th April,2025.

2. The present applicant is accused no.10, who is the father of the accused no.1. The accused no.1, daughter of the present applicant is arrested on 27th July, 2023 and is still behind bars.

3. Mr.Qureshi, the learned counsel appearing for the applicant submit that the applicant has no role in the present crime. He is not aware as to what his daughter has done. Monies were never transferred in his account. He is ready to co-operate with the investigation machinery. His statement has already been recorded by the Investigating Officer. However, if they again want to record his statement, he is ready to co-operate with the police.

4. Since the applicant has shown his readiness to co-operate with the police, he is directed to attend and meet the Investigating Officer on 7th April 2025, 8th April 2025 and 9th April 2025 between 11:00 a.m. to 2:00 p.m. The applicant shall co-operate with the Investigating Officer for recording his statement and should handover his mobile phone with login ID and password and also provide all details, including the documents requested by the police, if such documents are available with him.

5. Stand over to **16th April, 2025**. Matter to come up under the caption of '**Urgent Circulation**' **alongwith Anticipatory Bail Application No. 3259 of 2024**.

6. In the meantime, no coercive steps be taken against the applicant.

8. The learned APP submits that as per the directions of this Court, the present applicant has attended the office of the IO and has cooperated with the IO for the purpose of the investigation. He submits that the first charge-sheet has been filed on 4/8/2023, thereafter, the supplementary charge-sheet has been filed.

9. Considering the fact that the present applicant is the father of the main accused no.1 and accused no.1 is behind bars for about two and a half years and monies not being transferred by the victims in the account of the present applicant, according to me, as of today,

when the present applicant has cooperated with the police agencies, the custody of the present applicant is not necessary. Hence, the following order.

ORDER

- (a) **The anticipatory bail application is allowed.**
- (b) In the event of arrest in connection with FIR No.119/2023 registered with the Uran Police Station, District Navi Mumbai, the applicant shall be released on bail, on furnishing P.R. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.
- (d) The applicant shall furnish details of his residential address, contact numbers and email address to the Investigating Officer.
- (e) The applicant shall attend the concerned police station and meet the IO in every week on Monday's between 11.00 a.m. to 1.00 p.m. except on 19/5/2025 since the second daughter of the present applicant is getting on 20/5/2025 and thereafter, as and when called for.

10. Needless to say that violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of this anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

11. The anticipatory bail application is disposed of.

(RAJESH S. PATIL, J.)