



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

ANTICIPATORY BAIL APPLICATION NO. 3331/2024

DATTARAM NARAYAN SARFARE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Sushrut Jadhwar for applicant.
Ms. Rutuja A. Ambekar, APP for the State.
Mr. Nilesh S. Bagade i/b. Mr. B. C. Joshi for respondent no.2.
PSI Pratapsinh Shelke, Navpada Police Station, Thane City.

CORAM : RAJESH S. PATIL, J.

DATE : FEBRUARY 25, 2025.

P.C. :

1. This application is filed under Section 438 of the Code of Criminal Procedure, 1973 in connection with the First Information Report (FIR) No. 1068/2024 registered with Naupada Police Station, Thane City, for the offence punishable under Sections 406, 420 read with 34 of the Indian Penal Code, 1860.

2. The present applicant is the accused no.3. It is the case of the prosecution that the informant Harishchandra Sardar, is retired as Superintendent Engineer from ONGC in the year 2019. After retirement, he received the retirement benefits and as he was staying

in the rental house, he desires to have his own house. He came in contact with one Pranay Saini with whom he discussed about purchase of the house. The said Pranay Saini introduced the informant to one Mr. Prashant Narkar and Mr. Ashish Sarfare. The said Pranay Saini told the informant that Ashish Sarfare and Prashant Narkar will make arrangement for allotment of MHADA flat to the informant from the Chief Minister's Quota. In September 2019, Prashant Narkar invited the informant to his house at Vartak Nagar where Ashish Sarfare was also present who told the informant that he is knowing and has good relations with the superior officers in MHADA as well as officers working in Mantralaya and that he will make arrangements for allotment of MHADA flat in the Chief Minister's quota. Ashish Sarfare told the informant that he will have to pay some token amount. Accordingly, the informant accepted the proposal and paid a sum of Rs.90,000/- to Prashant Narkar. Thereafter, on 23/10/2019, Prashant Narkar asked the informant to pay a further sum of Rs.8 lakhs. The informant, accordingly followed the instructions and transferred the amount of Rs.8 lakhs in the account of Prashant Narkar in ICICI Bank. On 24/10/2019, the informant paid a further sum of Rs.5 lakhs to Prashant Narkar and at that time, the informant insisted upon the accused persons to show

the progress/status of his file. Prashant Narkar showed a receipt of payment of Rs.1,30,000/- in Manatralaya. The receipt was bearing date as 16/10/2019. On checking the receipt, the informant enquired that how such date was appearing when the payment was made on 23/10/2019 to which Prashant Narkar and Ashish Sarfare replied that in order to expedite the process, they had given the amount in advance to Dattaram Sarfare (the present applicant) and the remaining amount was to be paid in black.

3. The informant as per the instructions of Prashant Narkar paid amount of Rs.21,30,000/- till 1/1/2021. However, he was not allotted any flat. On his repeated insistence, the accused persons had shown him a letter which was on the letterhead of Housing and Urban Development Department bearing O.W. No.2229/2020 which purportedly stated that the informant was allotted a flat of 1000 sq.ft. from Chief Minister's quota. Subsequently, the informant got the knowledge that there is no more a concept called as Chief Minister's quota for allotment of flat and not such letter of allotment of flat is being issued by the Mantralaya. By this way the informant came to know that a forged letter was issued by the accused persons showing it to be a genuine letter issued by the Urban Development Department. Accordingly, an FIR has been lodged.

4. The learned counsel for the applicant submits that the applicant is a retired employee of the Mantralaya, Mumbai. He submitted that there is a delay in filing the FIR and the amount paid by the informant is not to the present applicant. By the present FIR, the informant is trying to recover monies paid by him to do an illegal job. The learned counsel prayed that the applicant is a senior citizen. He submitted that the custody of the applicant is not required. The applicant is ready to co-operate with the police.

5. The learned APP submitted that a forged document has been prepared to show that a flat was allotted on the letterhead of the Housing Department of Mantralaya. The present applicant was working in Mantralaya as a clerk. The learned APP submitted that the present applicant, taking advantage of his position in Mantralaya and being well-versed with the working of the Mantralaya, with the assistance of the other accused, misled the people to secure flats in the Chief Minister's quota. There are at least two similar kind of criminal antecedents reported against the present applicant, one registered at Chitalsar Police Station and another registered at Tilak Nagar Police Station, Chembur. She submitted that it is necessary to take the present applicant in custody to find out that after retirement how many such offences he has committed since this is the third

crime for similar kind of offence registered against him.

6. Heard the learned counsel for the applicant and the learned APP for the State. I have also gone through the documents on record.

7. The other two accused are absconded. The present applicant was working in the Mantralaya as clerk and he retired in the year around 2000. Being an employee of Mantralaya, he is quite aware of the functioning of the Mantralaya and, having access to the departments, he took advantage of this fact. He participated in the creation of documents using the letterhead of the Housing Department of the Mantralaya, which made it appear as though the informant had been allotted a flat under the Chief Minister's quota. The informant paid a sum of Rs.21,30,000/- to the accused. The flat was not allotted to the informant neither the amount was paid back to the informant. It will be necessary to make a thorough enquiry of this case. Other two accused are absconding. The present applicant's custody is necessary to find out how many such offences he has committed and so also, to find out the details of other two cases registered against him in similar kind of offences. The FIR has been lodged on 27/10/2024. The enquiry is at preliminary stage. Therefore, according to me, no case is made out to grant any

protection to the present applicant. Hence, **the present anticipatory bail application is rejected and disposed of accordingly.**

(RAJESH S. PATIL, J.)