

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

ANTICIPATORY BAIL APPLICATION NO. 3515/2024

HARISH
VITHAL
CHAUDHARI

ALLWIN ARVIND DAVE

...APPLICANT

VS

STATE OF MAHARASHTRA

...RESPONDENT

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by HARISH
VITHAL
CHAUDHARI
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Adv. Pramod Pandey for the Applicant.

Adv. Amit A. Palkar APP for the Respondent State.

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CORAM : RAJESH S. PATIL, J.

DATED : APRIL 29, 2025

P.C.:

1. By order dated 17 April 2025 the applicant was granted liberty to deposit of Rs.5 lakhs in the Registry of this Court without admitting his guilt. For ease of reference the order dated 17 April 2025 is reproduced herein below :

“1. This is an application Under Section 438 of the Code of Criminal Procedure for grant of bail in anticipation of his arrest in Crime No.11/2023 registered with Malad Police Station for the offences punishable under Section 406, 409, 420, r/w sec.34 of the Indian Penal Code.

2. Based on a complaint filed by the bank, an FIR has been lodged. The present applicant is shown as accused no. 6. The parents of the present applicant are behind bars.

3. The learned counsel for the applicant submitted that the father of present applicant aged 74 years was in need of finance as there were fire at his factory at Vasai. The father, mother and the present applicant on the advice of his father signed certain documents in order to obtain loan from the bank by mortgaging the gold. For the purpose of obtaining loan on gold, a lady called Sapana Bhat helped the parents of the present applicant. Based on the FIR, the parents of the present applicant have been arrested

and are still behind bars. As far as the present applicant is concerned, the principal loan amount shown in his account was Rs. 4,99,000/- as on 27 August 2021.

4. Mr. Pandey, on instructions of the applicant submits that the present applicant is an advocate by profession and without admitting the guilt in order to show his bonafides he is ready to deposit sum of Rs.5 lakhs in this Court within a period of one week from today. The applicant is legal professional will abide by the conditions impose by this Court.

5. The learned APP submits that as per his instructions, the outstanding amount as far as the present application is concerned is Rs.6,60,653/- as of today. He submits that even though the entire amount is paid to the bank, crime which is committed by the present applicant along with other accused still remains to be investigated. He submits that the custody of the present applicant is necessary. So also, this is a second bail application filed by the present applicant. The earlier bail application was withdrawn by the present applicant and there is no change in circumstances.

6. In rejoinder, Mr. Pandey submitted that the present second pre-arrest bail application is maintainable because the applicant is ready to deposit the principal amount of Rs.5 lakhs in this Court. The present applicant is in legal profession and there are no antecedents as far as the present applicant is concerned. The applicant comes from a middle class background, therefore, this Court should be considered the case of the present applicant with sympathy.

7. Having heard counsel for both the sides, at this stage, considering the fact that the parents of the present applicant, who are senior citizens being behind bars and the applicant is ready to show bonafides, is ready to deposit sum of Rs.5 lakhs in this Court within a period of one week without admitting the guilt. The father of the applicant is 74 years of age and suffers from various old age illness. The mother of the applicant is 64 years of age. The applicant is granted liberty to deposit sum of Rs.5 lakhs in the Registry of this Court within a period of one week from today without admitting his guilt.

8. Hence, till the next date of the hearing, no coercive steps be taken against the present applicant.

9. Stand over to **29 April 2025**, matter to come up under the caption "**for directions.**"

2. Mr. Pande, learned counsel for the applicant submits that the applicant has deposited Rs.5 lakhs in the Registry of this Court.

3. Considering the facts that the applicant is ready to co-

operate with the investigating officer and he being an advocate by profession and without admitting the guilt he has deposited Rs. 5 lakhs in the Registry of this Court, just to show his bonafides and no antecedents reported against the present applicant, I am satisfied that the case is made out to allow the pre-arrest bail application of the present applicant. Hence, I pass the following order.

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with C.R. No.11/2023 registered with Malad Police Station the applicant shall be released on bail, on furnishing PR. bond to the extent of Rs.30,000/- with one or more sureties of the like amount.

(c) The applicant shall co-operate with the investigation and attend and meet the investigating officer as and when called for.

(d) The applicants 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 further, the applicants shall not tamper with the evidence in any manner whatsoever.

(e) The applicant shall furnish details of his residential

addresses, contact numbers and e-mail addresses to the investigating officer.

4. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is 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.

5. **The anticipatory bail application is disposed off.**

(RAJESH S. PATIL, J.)