

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3719 OF 2023

Vishnu Mahipat Jadhav

... Applicant

Versus

State of Maharashtra

... Respondent

WITH

INTERIM APPLICATION NO. 33 OF 2024

IN

CRIMINAL BAIL APPLICATION NO. 3719 OF 2023

Suvarna H. Dusane

... Applicant

In the matter of

Vishnu Mahipat Jadhav

... Applicant

Versus

State of Maharashtra

... Respondent

.....

Mr. Bhavesh Parmar a/w. Damani Shukla and Ms. Reshma Nair i/b. Ms. Sangeeta Patel, Advocates for the Applicant.

Mr. Kiran C. Shinde, APP for the State.

Mr. Satyavan N. Vaishnav a/w. Ms. Nupur J. Mukherjee, Mr. Armaan Grewal, Mr. Rahul Raut, Ms. Jasmine Sabharwal i/b. M/s. N. N. Vaishnawa & Co., Advocates for the Applicant / Intervenor in IA/33/2024.

PSI – Mr. Sunil B. Parab, Shivaji Park Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATED : 22nd APRIL, 2025.

P C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for intervenor.

2. Both the learned counsel submit that matter is settled between the first informant and accused. They tendered Consent Terms along with Undertaking. It is taken on record and marked as “Exhibit-X collectively” for identification.
3. The applicant is seeking regular bail in Crime No. 242 of 2023 registered with Shivaji Park Police Station for the offences punishable under Section 406 and 420 of Indian Penal Code, 1860 (“IPC”).
4. It is prosecution’s case that applicant is the owner of building situated at Shivaji Park. He assured the first informant that one tenant who stays in America wants to transfer his tenancy and on that ground he took the amount from the first informant for transferring the tenancy in her name. It is alleged that applicant told to first informant that the original tenant of the said room Mr. Welankar who stays in America was in his contact and he allegedly agreed to transfer the tenancy in the name of the first informant. On believing the statement of the applicant, the first informant paid Rs.37 lakhs to the applicant. It is alleged that the original tenant was not aware about the transaction between the first informant and applicant and he never agreed for transfer of the said tenancy. It is alleged that the applicant had cheated the first informant under guise of transfer of tenancy and has taken the amount of Rs.37 lakhs from her.
5. It is contention of learned counsel for the applicant that the

applicant has been falsely implicated in this case. The applicant is the owner of the building where tenanted premises is situated. The applicant has received Rs.37 lakhs as per his share and first informant had to take no objection from Mr. Welankar, original tenant. Learned counsel further submitted that applicant is behind bar more than two years. The matter is settled between the parties. Both the parties have filed Consent Terms before this Court. The applicant has returned Rs.5 lakhs out of Rs.37 lakhs to the first informant and he will return remaining amount of Rs.32 lakhs within three months from date of release from jail, hence requested to allow the application.

5. Learned counsel for the intervenor submits that on the basis of Undertaking and Consent Terms, the first informant has no objection to allow the application.

6. Learned APP submits that appropriate order be passed.

7. I have heard all learned counsel. The allegations against the applicant are that he has cheated for Rs.37 lakhs to the first informant. Out of the said amount, he has returned Rs.5 lakhs to the first informant and he has undertaken to return Rs.32 lakhs within three months after releasing from jail as stated in the Undertaking and Consent Terms filed before this Court. He is behind bar more than two years. Considering these facts, I pass following order.

ORDER

- i. The applicant be enlarged on cash bail of Rs.20,000/- bail in C.R.No. 242 of 2023 registered with Shivaji Park Police Station and on executing P.R. Bond of Rs.20,000/-.
 - ii. The applicant shall furnish surety of same amount within four weeks after releasing from jail.
- 8.** The Bail Application is allowed in the aforesaid terms and is accordingly disposed of. All pending applications, if any, also disposed of.
- 9.** All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)