

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 523 OF 2025

Amit Yuvraj Karle

..... Applicant

VERSUS

The State of Maharashtra

..... Respondent

Mr.U. P. Gangurde a/w. Mr.Rohan Kharat I.v, Mr.Vikas S. Kharat for the Applicant.

Mr. Nitin B. Patil, A.P.P. for the State.

Mr.Rajendra Ghavadekar, A.P.I., Panvel City Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 11th MARCH,2025

P.C. :-

By my order dated 3rd March, 2025, it was recorded that the amount as mentioned in the FIR as per the applicant has already been paid by the applicant to the complainant. The learned A.P.P. sought an adjournment on the ground that Mr.Sunil Wagh, the Investigating Officer of Panvel City Police Station was not present. For ease of reference, the said order dated 3rd March,2025 is reproduced hereinbelow :-

1. The learned APP seeks a short accommodation as Mr. Sunil Wagh, the Investigating Officer of Panvel City Police Station, Navi Mumbai, is not present in Court today, nor has he provided any instructions. Therefore, she seeks an adjournment.

2. Mr. Gangurde holding for Mr. Vikas Kharat, the learned Advocate for the Applicant submits that in the present proceedings, a closer report was filed by Kamothe Police Station on 24 December 2024. However, without disclosing the closer report, the informant lodged a complaint with Panvel City Police Station. He submits that the proper remedy would have been to file an application before the learned Magistrate under Section 156 (3) of the Code of Criminal Procedure. However, instead of following this procedure, Panvel City Police Station took cognizance of the matter and proceeded further.

3. He further submits that the entire facts were brought to the notice of the Sessions Court, and at least four dates were granted for the Investigating Officer to appear before the Sessions Court. However, the Investigating Officer failed to appear.

4. The learned Advocate for the Applicant also submits that the entire amount mentioned in the present proceedings has already been paid by the Applicant to the Complainant. However, through fraudulent means, the same amount has been claimed again. He further alleges that the Investigating Officer is supporting the Complainant.

5. Since the learned APP seeks an adjournment on the ground that Mr. Sunil Wagh, the Investigating Officer of Panvel City Police Station, is not present in Court today,

6. Stand over to **11 March 2025** under the caption “**For Urgent Circulation**”.

7. In the meanwhile, no coercive steps will be taken against the Applicant till the next date of the hearing.

2. Mr. Gangurde, learned counsel appearing for the applicant submits that a sum of Rs.17,44,111/- was paid by the present applicant to the complainant from his account and from the account of his friend. The bank entries to that effect can be seen from page nos. 52 to 107 and one more entry can be seen from the bank account entry dated 11th June, 2020. A copy of the said bank entry is handed over in this Court. The same is taken on record and marked 'X' for identification.

3. The learned A.P.P. fairly submits that since the major chunk of the money has been paid by the applicant, the custody of the present applicant will not be necessary.

4. In view of the same, the present anticipatory bail application stands allowed. Hence, the following order :-

ORDER

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

(b) In the event of arrest in connection with FIR No.

0600 dated 7th October, 2024 registered with Panvel City Police Station, Navi Mumbai for the offences punishable under Sections 3(5), 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023, the applicant shall be released on bail, on furnishing P.R. bonds to the extent of Rs.30,000/- with two or more sureties of the like amount.

(c) The applicant shall co-operate with the investigation and attend the Investigating Officer of the concerned Police Station, as and when called.

(d) 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.

(e) The applicant shall furnish details of his residential addresses, contact numbers and e-mail

addresses to the Investigating Officer.

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

[RAJESH S. PATIL, J.]