

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2518 OF 2024**

Santosh Dinkar Kadam	... Applicant
vs.	
State of Maharashtra	... Respondent

Mr. Nitin H. Sejpal with Mrs. Pooja N. Sejpal with Mr. Siddharth Gharat and Mr. Sahir Patel for the Applicant.

Smt. M. S. Bajoria, APP for Respondent-State.

Mr. Rajendra Kumbhar, API, Charkop police station present.

CORAM : SHYAM C. CHANDAK, J.

DATE : 9th APRIL, 2026

P. C.:

- 1) The Applicant is apprehending arrest in C.R. No.424 of 2024 registered with Charkop police station under Sections 406, 420 r/w 34 of the Indian Penal Code ("IPC") and, therefore, he has filed the Application for pre-arrest bail.
- 2) Heard Mr.Sejpal, learned Counsel for the Applicant and Ms.learned APP for the Respondent-State. Perused the charge-sheet produced by Mr.Sejpal, learned Counsel for the Applicant.
- 3) The prosecution case is that the Applicant is the owner of M/s. Sai Real Estate and accused Yasin Shaikh is the owner of M/s. Meto Real Estate. Between July 2018 to 19th May, 2022 the Applicant, his brother Shashikant Kadam and said Yasin Shaikh in furtherance of their common intention cheated the informant-Rajeshkumar Sonelal Rathod by falsely

promising that they will sell him a tenement in a building, namely, P.S. Towers at Malad (West) for a consideration of Rs.39.50 lakhs and caused the informant to pay them a sum of Rs.39,31,750/- by cash/cheque. However, the accused persons did not complete the transaction and misappropriated the money. Therefore, on 3rd August, 2024 the informant filed the complaint and aforesaid crime came to be registered.

4) Mr. Sejpal, learned Counsel for the Applicant submits that the entire dispute is of civil nature. Considering the allegations against the Applicant, his custodial interrogation is not necessary. The Applicant, after grant of interim relief, has attended before the Investigating Officer and co-operated in the investigation. The Applicant is not likely to abscond and tamper with the prosecution evidence.

5) Mr. Sejpal, learned Counsel submits that out of the disputed amount of Rs.34,31,750/- only the amount of Rs.2,64,175/- remained to be paid to the complainant. The Affidavit to that effect has been filed on record. The Applicant would deposit Rs.2,64,175/- in the 24th Court of Judicial Magistrate, First Class, Borivali within a period of two weeks from today. Further, he stated that the Applicant has no objection if the complainant withdraws the balance amount.

6) Mr. Rajendra Kumbhar, the Investigating Officer is present in the Court. Ms. Bajoria, learned APP, on instructions states that the Investigating Officer will not arrest the Applicant as the charge-sheet is filed against all the accused including the Applicant.

7) In view of the aforesaid, the Applicant is entitled for grant of anticipatory bail. Hence, the following Order:-

ORDER

- (a) In the event of the arrest of the Applicant – Santosh Dinkar Kadam in connection with FIR No.424 of 2024 registered with Charkop Police Station for offence under Sections 406, 420 read with Section 34 of the Indian Penal Code, he shall be forthwith released on bail, on furnishing P.R. bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
 - (b) The Applicant shall regularly attend before the trial Court.
 - (c) The Applicant shall not tamper with the prosecution evidence and shall not threaten the prosecution witnesses.
 - (d) The Applicant shall furnish his mobile number and detail address to the Investigating Officer and change therein, if any.
- 8) With the aforesaid observations, Application stands disposed of.

(SHYAM C. CHANDAK, J.)