

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4820 OF 2025

Suraj Vasant Palkar ...Applicant
Versus
The State of Maharashtra And Anr. ...Respondents

Ms. Priti Mahajan a/w Mr. Santosh B. Patil a/w Mr. Nagesh
Khedekar a/w Mr. Sainath S. Garade a/w Mr. Yogesh A.
Sukale a/w Ms. Shruti P. Pokale a/w Ms. Isha A. Palav a/w
Mr. Sahil T. Todhwani i/by Mr. Adesh Konde-Deshmukh,
for the Applicant.

Mr. Rishikesh M. Pethe, APP, for the Respondent – State.

Mr. Eknath Paulbudhe, API, Manpada Police Station,
Dist. Thane, is present.

CORAM: R. M. JOSHI, J.

DATED: 9th APRIL, 2026

PC:-

1. This application is for bail in connection with Crime No. 739 of 2019 registered with Manpada Police Station, District-Thane, for the offences punishable under Sections 420 r/w 34 of the Indian Penal Code, 1860 (for short “IPC”).

2. First Information Report came to be lodged with the concerned police station with allegation that the Applicant alongwith the co-accused cheated informant to the extent of an amount of Rs.7,50,000/-. It is claimed that the money was

received for construction of flat and its allotment to the informant however, irrespective of the fact that the amount of consideration was received, the construction was not completed and possession is not delivered. Offence came to be registered against the Applicant. He was arrested.

3. Record indicates that with the consent of the informant, an application was moved before the Additional Sessions Judge, Kalyan in Bail Application No. 682 of 2021, whereby on the basis of settlement arrived at between the parties, bail came to be granted by imposing following conditions :-

“1] The application is allowed.

*2] The applicant viz. **Suraj Vasant Palkar** be released on bail in connection with Crime No. I-739/2019 registered with Manpada Police Station under Section 420 r/w Section 34 of the Indian Penal Code on his furnishing personal bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with solvent surety of like amount, for the period of 5 months from the date of this order to fulfill the terms and conditions of amicable settlement arrived between the parties.*

3] On fulfillment of terms and conditions of amicable settlement, applicant to move fresh application for continuation of regular bail, in default applicant to surrender before the concerned police station.

4] Bail before the Ld. Trial Court.

5] Inform to the concerned police station accordingly. “

4. Learned Counsel for the Applicant submits that there is no allegation against the Applicant that he committed breach of the

settlement with the informant. It is her submission that however on being not properly advised, the Applicant failed to approach the regular Court for continuation of bail. It is her submission that on the facts of the case, the Trial Court ought not to have rejected the application for bail after he surrendered the Court, may be belatedly.

5. Learned APP opposes the Application. It is his submission that as per the instructions received by him, the informant is not the only victim and there are other victims of the crime.

6. At this stage this Court cannot go into any other issue but for the issue as to whether there is a breach of conditions of bail of order dated 24.05.2021 it would require, applicant to be taken into custody and denied further bail. Undisputedly order dated 24.05.2021 passed in Bail Application No 682/2021 is not challenged either by the prosecution or by any other victim of the said alleged crime. In such circumstances the only issue therefore which was there before the Trial Court to consider as to whether to extend the time for surrender. In the facts of the case more particularly when there is no allegation that the Applicant has failed to comply with the terms and conditions of the settlement with informant, which was the basis for grant of bail, Learned Trial Court ought to have enlarge the Applicant on bail. Hence, following order.

ORDER

- i) Criminal Bail Application stands allowed in connection with Crime No. 739 of 2019 registered

with Manpada Police Station, District-Thane, for the offence punishable under Section 420 r/w 34 of the Indian Penal Code, 1860.

- ii) The Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.15,000/- with one surety in the like amount, to the satisfaction of the Trial Court.

7. In view of the above, Application stands allowed and disposed of accordingly.

8. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the final hearing of the Trial Case.

(R. M. JOSHI, J.)

VDMokal/-