

(2022) 06 BOM CK 0098

In the Bombay High Court

Case No : Criminal Application Bail No.311 Of 2022-F

Shyam Dnyaneshwar Palkar

APPELLANT

Vs

State Of Goa

RESPONDENT

Date of Decision : 23-06-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 34, 420

Citation : (2022) 06 BOM CK 0098

Hon'ble Judges : Sandeep K. Shinde, J

Bench : Single Bench

Advocate : V. Amonkar, P. Faldessai

Final Decision : Allowed/Disposed Of

Judgement

Sandeep K. Shinde, J

1. It is an application under Section 438 of the Cr.P.C. for per-arrest bail in crime no.22/2021 registered with the Porvorim, Police Station with the offence punishable under Section 420 read with Section 34 of IPC.

2. On 17.3.2021, Dr. Vikas Naik, reported that in between January 2019 to February, 2019 one Mr. Taslim Arif Mohammed and Mr. Jai Lotlikar approached the complainant and induced him to invest a total amount of Rs.53,00,000/- in the project in survey no.234/1 of Bardez Goa. Accordingly, he paid Rs.53,00,000/- to Mr. Taslim. Neither the amount was invested into the project property nor the amount was returned to him. On these set of allegations crime in question came to be registered against Taslim and Jai.

3. In the course of investigation Investigating Officer found that Rs.13,00,000/- were credited in the account of the applicant from the account of accused no.1- Taslim. Having noted single transaction applicant has been arrayed as accused in the crime in question. Apparently barring a single transfer of Rs.13,00,000/- by accused no.1 to the account of the applicant, there is no other evidence on

record which implies the applicant's complicity in the crime either inducing the complainant to invest or otherwise. In any case, applicant has not been, named in First Information Report. Besides the applicant has no criminal antecedents.

4. On consideration of these fact in my view, case is made out for granting pre arrest bail. Even otherwise, learned Public Prosecutor upon instructions from the Investigating Officer who is present in Court today submits that investigation is over and chargesheet could be filed. Thus the order dated 26.5.2022, granting interim bail stands confirmed. However, the applicant shall report the Investigating Officer, if called.

5. Application is allowed and disposed of in the aforesaid terms.