

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 5102 OF 2016

Abhijit s/o. Bhaurao Saraswat .. Applicant
Age. 42 years, Occ. Business,
R/o. Mira Road, Near G.C.C. Club,
Tulip Building Electrical Tower,
Mumbai.

Versus

The State of Maharashtra & Anr. .. Respondents

Mr.Bhausahab S. Deshmukh, Advocate for the applicant.
Mr.S.J. Salgare, APP for respondent/State.

**CORAM : A.M. BADAR,J.
DATED : 04.10.2016**

P.C. :-

1. The applicant/accused in Crime No.33 of 2015 registered with Jilha Peth Police Station, Dist. Jalgaon, for the offence punishable under sections 120-B, 403, 406, 417, 420, 421, 422, 423, 426, 427, 465, 468, 471 read with section 34 of the Indian Penal Code, by this application is seeking pre-arrest bail.

2. According to the complainant, namely, Sarika Vijay Danej, accused persons had cheated her by alluring her to invest amount by painting picture of rosy returns. She lodged complaint in the Court of learned J.M.F.C, which has resulted in passing an order under section

156(3) of the Cr.P.C. and that is how the crime in question has been registered.

3. The applicant is arrayed as accused No.2 in the said private complaint.

4. When the matter is taken up today for hearing, learned Counsel for applicant - Abijit s/o. Bhaurao Saraswat, on instructions, made statement that applicant is depositing an amount of Rs.1,19,000/- (Rupees One Lakh Nineteen Thousand), under protest, in the registry of this Court within a period of one week from today and that his client has no objection, if the said amount is handed over to the original complaint/respondent No.2 - Sarika Vijay Danej. Learned Counsel for respondent No.2 - Sarika Vijay Danej submits that said amount be made over to the original complainant, who is ready to execute indemnity bond for the same. The statements so made by both the Counsels, on instructions, are accepted.

5. I also heard learned learned A.P.P., who opposed the prayer for grant of anticipatory bail by contending that the offence alleged is serious.

6. As the complainant has expressed her willingness to accept the amount deposited by the applicant in this

Court on executing indemnity bond, I am of the opinion that custodial interrogation of present applicant in the crime in question is not warranted. Therefore, the following order :-

O R D E R

- i. The application is allowed.
- ii. In the event of his arrest in Crime No.33 of 2015, registered with Jilha Peth Police Station, Dist. Jalgaon, for the offences punishable under sections 120-B, 403, 406, 417, 420, 421, 422, 423, 426, 427, 465, 468, 471 read with section 34 of the Indian Penal Code, applicant/accused Abhijit s/o. Bhaurao Saraswat be released on bail on executing P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand) and on furnishing surety in like amount.
- iii. As a condition of this order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police to the Court.

iv. The applicant shall not tamper the evidence of the prosecution.

v. On depositing of the amount as stated by learned Counsel for the applicant, same be made over to respondent No.2/original complaint - Sarika Vijay Danej on executing indemnity bond.

[A.M. BADAR, J.]