

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 761 OF 2016

Mr. Tushar Shamrao Pawar ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Kuldeep S. Patil, Advocate for the Applicant.

Mr. J. H. Ramugade, A.P.P. for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 13th JUNE, 2016

P.C. :

1 The Applicant/accused in Crime No. 84 of 2016 for the offences punishable under sections 406, 420 read with section 34 of the Indian Penal Code registered with Sinhgad Road Police Station, Pune at the instance of informant-Anand J. Gilda by this application is seeking pre-arrest bail.

2 Heard learned counsel appearing for the parties. Learned APP for the State submitted that the transaction with one Girish Kolhe in the instant case commenced from the year 2012 and the present applicant was well aware of the activities of cheating by Girish Kolhe. According to the learned APP, still the applicant had induced the informant to invest huge sums in the Firm of Girish Kolhe.

3 According to the prosecution case, the applicant - Tushar Pawar is a friend of informant-Anand Gilda. The applicant had introduced one Girish Kolhe to informant - Anand Gild and informed the informant that various firms of the Girish Kohle are doing the work of imparting training in respect of the various scheme conducted by the Women and Child Development Department. It is the prosecution case that the present applicant has allured the informant -Anand Gilda and induced him to invest an amount of Rs.50 lakhs in the Firm of Girish Kolhe, by assuring him that the investment would be doubled in short time. Ultimately, the informant found that he has been cheated in the present transaction.

4 Role attributed to the present applicant in the crime in question is that of introduction of main accused - Girish Kolhe to the informant. The FIR reflects that the entire amount was paid by the informant to Girish Kolhe.

5 Prima facie, it appears that the present applicant - Tushar Pawar is also victim at the hands of main accused -Girish Kolhe. Prior to the lodging of FIR by Anand Gilda, the present applicant -Tushar Pawar had also lodged similar FIR against the main accused Girish Kolhe on 01.03.2016 vide C.R. No. 71 of 2016 to the effect that main accused -Girish Kolhe had cheated him by inducing him to invest an amount of Rs. 3.14 crores in the Firm run by him.

6 Considering the fact that the present applicant has not received a single pie from out of the investments made by the informant -Anand Gilda with Girish Kolhe and that his role is only to the effect of introduction to the main accused, his custodial interrogation is not warranted and his liberty needs to be protected and, therefore, the following order :-

ORDER

- i. This application is allowed.
- ii. The order dated 27th April, 2016, granting ad-interim anticipatory bail to the applicant is confirmed on the same terms and conditions.
- iii. As a condition of this order, the Applicant should attend Sinhagad Road Police Station, Pune on 26th June 2016 in between 11 a.m. and 1 p.m.
- iv. In addition, the Applicant/accused is directed that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade such person from disclosing such facts either to the Court or to any police officer and

that the applicant shall not tamper with the prosecution evidence in any manner.

- v. The applicant should co-operate the trial court in expeditious disposal of the trial, in the event of filing of the chargesheet.
- vi. The applicant shall not tamper with the prosecution evidence in any manner and he should not commit offence of similar nature in future.
- vii. This anticipatory bail application is disposed of accordingly.

(A. M. BADAR, J.)

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