IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.834 OF 2017

Sou Prajakta Sunil Patil & Anr. .. Applicants
Vs.
State of Maharashtra & Anr. .. Respondents

Mr.Datta G. Pawar for the applicant.
Ms.A.A.Takalkar, Additional Public Prosecutor for the respondent no.1.

CORAM : T.V. NALAWADE, J.
DATE : 16th August 2017

P.C. :

. The application is filed for the relief of anticipatory bail in C.R. No.230 of 2016 registered with Haveli Police Station, Pune for the offence punishable under Sections 420, 34, 505 and 506 of the Indian Penal Code. Both the sides are heard. Papers of investigation were made available for perusal of this Court.

2. A crime is registered on the basis of the report given by Mr.Prafull R. Sonkawade. He has made an allegation against the present applicants and one Ganesh Babar that during the period August 2015 to 23rd November 2015, the accused persons deceived him by making false representation, extracted money and committed offence of cheating. He has contended that he was represented to him that the applicants were running concern by name S.B. Patil Enterprises and it was open to the complainant to make investment in that business. He was represented to him that at least 8% profit was expected on the investment. According to him, he invested the amount of Rs.7,95,000/-. It was contended that

nothing was returned to him including the principal amount and he is cheated. The report came to be given on 25th July 2016.

3. Learned counsel for the applicants submitted that the complainant was to be made Director in aforesaid concern and that some record was also collected from him and he was to give money for making him Director. Some record is produced to show that the record of identity of the complainant was collected but there is nothing to show that the complainant was made Director or it was necessary for the Director to deposit the said amount with the concern.

4. Learned counsel for the applicants then submitted that the complainant was allowed to represent the concern and for the concern, he sold some articles like jaggary and he had collected that money. Some record of sale of jaggary through the APMC by the concern M/s.Gautam Chand is produced. This record can be of no help to the applicants in view of the aforesaid allegations. Such record is created when food articles or grains are sold through APMC. This record does not show that the complainant was representing the applicants or their concerns in those transactions.

5. Learned counsel for the applicants submitted that dispute is of civil nature and at the most, the complainant can file suit in Civil Court for recovery of the amount. He produced on record a copy of the complaint filed by the complainant with committee created by the State Government for eradication of superstitious beliefs. This record cannot be of any help to the applicants. This record, on the other hand, shows that one so called “baba” was involved in the matter and he had assured

the present complainant that he will get handsome returns if the amount is given to the present applicants.

6. There is record to show that substantial amount was given by RTGS mode to the present applicants. There is no record of return of money. The aforesaid contentions made for the applicants cannot help the applicants even if they are considered at this stage. Learned counsel for the applicants placed reliance on the observations made by the Apex Court in the case of ***Vesa Holdings P.Ltd & Anr. Vs. State of Kerala & Ors.,*** decided 17th March 2015 in Criminal Appeal No.2341 of 2011. The facts and circumstances of each and every case are different. The aforesaid submissions and circumstances show that the false representation was made to the complainant and he was deceived and the amount was extracted from him. There appears no intention of the applicants to return the amount. In the result, the application stands rejected. Interim relief already granted is vacated.

T.V. NALAWADE, J.