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

ANTICIPATORY BAIL APPLICATION NO.1017 OF 2017

Virapaksha Chaudappa Kumbhar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Ritesh Thobde, for the Applicant

Ms.P. P. Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 10th JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail inconnection with C.R. No. 166 of 2017 registered with the Akkalkot North Police Station, Solapur, for the alleged offence punishable under Section 420 of the Indian Penal Code.
3. Learned Counsel for the applicant states that although the applicant had received certain amounts, the same have been refunded by

the applicant to the complainant and that there are witnesses to that effect.

4. Learned A.P.P opposed the application. She submits that there are some receipts to show that the complainant had indeed transferred an amount of Rs. 3 lakhs, Rs. 2 lakhs and Rs. 80,000/- by NEFT in the applicant's account, pursuant to the representation made by the applicant to him.

5. According to the complainant-Shankar Hirtot, he was a Chairman of Lions Club at Akkalkot. He has stated that his wife was working as a Teacher in Primary School of Lions Club since 2007, and that she was working on a non-grant basis. He has further alleged that in July, 2015, the applicant came with a proposal that on payment of Rs. 6 lakhs, the applicant would convert the complainant's wife's job into a grantable one. He has further alleged that pursuant thereto, he sold his plot, and also borrowed certain amounts and paid the applicant in installment. He has alleged that the applicant did not do the work as promised and hence, has cheated him.

6. It appears that there are receipts for an amount of Rs. 3 lakhs, Rs. 2 lakhs and Rs. 80,000/- paid by the complainant to the applicant by NEFT. Learned Counsel for the applicant states that pursuant to the order dated 16th June, 2017, the applicant has deposited a sum of Rs. 5,80,000/- in the Registry of this Court, without prejudice to his rights and contentions.

7. Considering the aforesaid, custodial interrogation of the applicant is not required. Accordingly, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- with one or two `sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier;

(iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case.

8. Registry to invest the aforesaid amount of Rs. 5,80,000/- deposited by the applicant in a Fixed Deposit of a nationalized Bank initially for a period of one year and which may be renewed from time to time. The trial Court shall pass appropriate orders on the said amount at the conclusion of the trial.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this application.

11. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)