

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

**ANTICIPATORY BAIL APPLICATION NO. 1652 OF 2018**

Shri. Dipak Gulabchand Gidwani

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Umesh R. Mankapure for the applicant.

Mrs. J.S. Lokhare, APP for the State.

Mr. V.A. Rajge, Police Constable, Islampur Police Station,  
Sangli District, present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED: 21<sup>st</sup> AUGUST, 2018.**

**P.C.:**

. This is an application for anticipatory bail filed by the aforesaid applicant, apprehending his arrest in Crime No.240/2018 registered with Islampur Police Station, District Sangli for offences punishable under section 420 r/w. section 34 of I.P.C.

2. Heard Mr. Umesh Mankapure, learned counsel for the applicant and Mr. J.S. Lokhare, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The first information report lodged by Lalaso Pawar *prima facie*, reveals that the first informant wanted to buy a second hand car. One Shri. Amol Patil had introduced him to the co-accused Sanjay Gidwani, the brother of the applicant herein. The said Sanjay Gidwani told him that he owns a skoda car bearing registration no. MH-14-FM-9809 and that he wanted to sell the same. The applicant agreed to purchase the said car from Sanjay Gidwani for total price of Rs.9,50,000/- out of which, Rs.4,00,000/- were paid to Sanjay Gidwani and Rs.5,50,000/- were to be paid after obtaining NOC from the bank.

4. The first information report reveals that when the first informant had taken the car for servicing, he realized that the said car was not owned by Sanjay Gidwani but was owned by Mrs. Shailaja Aahir. Subsequently, on verification of the documents, the possession of the car was handed over to the said Shailaja. The first information report further reveals that Sanjay Gidwani had refused to repay the amount of Rs.4,00,000/- which was received by him towards part consideration. The cheque for Rs.4,00,000/- issued by him was also dishonoured. Hence the first informant lodged the report against Sanjay Gidwani and others for cheating.

5. The allegations in the first information report are mainly against Sanjay Gidwani. The only allegation against the applicant is that he had accompanied Sanjay Gidwani on 07/07/2017 i.e. at the time when the applicant had paid Rs.4,00,000/- to Sanjay Gidwani. Mr. Umesh Mankapure, learned counsel for the applicant has brought to my notice communication dated 06/09/2005 addressed to the Superintendent of Police, Sangli by the applicant and other members of Gidwani family wherein they had mentioned that the said Sanjay Gidwani was involved in several illegal activities. They had stated that they were not concerned with any of the acts of said Sanjay Gidwani. They had requested to the Superintendent of Police to take action against Sanjay Gidwani. The members of Sanjay Gidwani family had also made similar representation to the then Deputy Home Minister and to the Director General of Police to take action against said Sanjay Gidwani and had also issued a public notice.

6. Considering the above facts and also considering the fact that the allegations are mainly against Sanjay Gidwani and not against the present applicant, in my considered view, the applicant is entitled for grant of anticipatory bail. Hence, Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the applicant in Crime No.240/2018, he shall be released on bail, subject to the applicant furnishing fresh bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two solvent sureties in the like amount, to the satisfaction of Investigating Officer.

(b) The applicant shall remain present before the Investigating Officer as and when required by the Investigating Officer for the purpose of interrogation.

(c) The applicant shall furnish the details of his permanent as well as temporary address and his contact details to the Investigating Officer.

(d) The applicant shall not change his address without prior intimation to the Investigating Officer.

**(SMT. ANUJA PRABHUDESSAI, J.)**