

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 873 OF 2017**

Aditya Dilip Bagve

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Prashant Goyal, for the Applicant.

Mr. Ameet Palkar, APP for the State/Respondent.

CORAM: A. S. GADKARI, J

DATED: 11th JULY, 2018

PC:-

1. By an order dated dated 15th May, 2017, the applicant was granted interim relief.

Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation. The first information report is lodged by Mr. Rohit Sonik on 7th January, 2017.

2. It is the precise prosecution case against the applicant that, the applicant after gaining confidence of the first informant, took delivery of handsets/mobile phones of Vivo company amounting to Rs.2,01,666/- for sale and thereafter neither returned the said handsets nor paid the

consideration for the same. That the applicant thereafter did not contact to the first informant.

3. The learned Counsel for the applicant submitted that this is pure and simple civil transaction. He submitted that the applicant has already repaid the amount to the first informant. He submitted that Mr. Rajesh Singh, the partner of Abhishek Rai had been to his shop for collecting the cash towards sale of mobile phones and as the applicant was unable to repay the amount to Mr. Rajesh Singh, he took away all the mobile phones, which were kept for display in the shop. He further submitted that the applicant did not have the said mobile phones as the same have been forcibly taken away by Mr. Rajesh Singh and therefore the applicant could not return the said handsets to the first informant. He, therefore, prayed that the applicant may be granted the pre-arrest bail.

4. The record of investigation indicates that apart from the first informant herein, there are other five other victims in the present crime, who have been cheated by the applicant by adopting similar *modus operandi* to the tune of

approximately Rs.21,07,000/- (Rs. Twenty one lakhs seven thousand only). This Court by an order dated 11th July, 2018 has rejected Anticipatory Bail Application No. 288 of 2017 preferred by the applicant in CR No.288 of 2016 registered with Vanrai police station, Mumbai wherein also similar *modus operandi* was adopted by the applicant.

5. After taking into consideration the aforesaid facts, the serious allegations against the applicant and the gravity of the offence, this Court is of the considered view that the applicant does not deserve to be protected by pre-arrest bail.

6. The application is accordingly rejected.

[A. S. GADKARI, J.]

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