

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

ANTICIPATORY BAIL APPLICATION NO. 1996 OF 2018

Dipankar Sushilkumar Ghosh

... Applicant

Vs.

State of Maharashtra

... Respondent

...

Mr. Shantanu R. Phanse for the applicant.

Mr. A.R. Kapadnis, APP for the Respondent-State.

Mr. S.A. Sawant, Police Constable, Thane Nagar Police Station is present.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 27th SEPTEMBER, 2018.

P.C.

1. This is an application for anticipatory bail in connection with C.R. No. I-88 of 2018 registered with Thane Nagar Police Station for the offence punishable under Section 420 read with Section 34 of Indian Penal Code.

2. The case of the complainant is that on 24th May, 2018 two members of Akhil Bhartiya Grahak Samitee has induced several persons to part with the amount. Representation were made by one Mahesh Amburle as well as applicant. It is also stated that several persons have parted with the amount and they were cheated.

3. Learned counsel for the applicant submits that no role is

attributed to applicant in fraudulent transaction. In fact applicant is one of the suffer in the said transaction. Main accused who committed the offence is one Gajanan Kuradkar and he has not been impleaded as accused in this case. It is submitted that much prior to the registration of the First Information Report, the complaint was lodged with Commissioner of Police by the applicant against Gajanan Kuradkar that on 16th August, the applicant has also parted an amount of Rs.30,000/- to Mr. Kuradkar. However, police did not take cognizance of the complaint. He has also filed private complaint before the Court. He also relied upon the receipt about the amount deposited by him. It is further submitted that as per the version of the complainant, the amount was credited into the account of Mahesh Amburle and not the present applicant and therefore applicant himself is victim of the circumstance. His involvement is not reflected in any manner.

4. Learned APP submitted that during the course of investigation, the involvement of the applicant is disclosed. It is further submitted that First Information Report itself indicate that the applicant had made false representation and induced the victim to part with the amount. Learned APP pointed out the

statement of one of the victim Smt. Ranjana Gawande in which she has stated that amount was given to the applicant as well as Mahesh Amburle. She has also stated that applicant and Mahesh Amburle had contacted several persons. It is also apparent that several persons had parted with the amount.

5. It appears from the FIR that accused had induced the complainant to deposit the amount. The involvement of the applicant is apparent from the tenor of the First Information Report. The act of making false representation also attributed to the applicant. Investigation is in progress. Investigation papers discloses the involvement of the applicant. In the circumstances, no case is made out for grant of anticipatory bail. Application stands rejected.

(PRAKASH D. NAIK, J.)

Sachidanand
Kuttan Nair

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