

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

ANTICIPATORY BAIL APPLICATION NO.2251 OF 2018

Ramesh Musale & Anr.	.. Applicants
Vs.	
State of Maharashtra	.. Respondent

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Mr.Shriram S. Kulkarni, Advocate for the Applicants.
Mr.R.M. Pethe, APP for the Respondent – State.
Mr.G.M. Sisode, EOW, Thane City, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : OCTOBER 30, 2018.

P.C. :

This is an application for anticipatory bail in connection with C.R.No. I - 184 of 2017, registered Ambarnath Police Station, District -Thane, for the offences punishable under Sections 406 and 420 read with 34 of Indian Penal Code ("IPC", for short).

2 The case of the complainant is that she is Chartered Accountant by profession. She was informed by her friend that, builders known to him namely Amit Musale and ramesh Musale are in need of money for construction and whether she is interested in investing money. The complainant showed

inclination to invest the amount. Thereafter, the complainant was introduced to Sumit Musle and applicant no.1. Complainant invested the amount with accused from time to time towards projects with promise of return. The accused also took petty amount from her. The complainant had parted an amount of Rs.85,00,000/-. The accused had represented themselves as builder and developer and borrowed an amount from the complainant. The amount was deposited by way of investment. Huge amount was parted to the accused from time to time and returns were not given to the complainant. FIR was lodged on 27th July, 2017. Applicant preferred an application for anticipatory bail before the Sessions Court, which was rejected.

3 Learned advocate for the applicant submitted that the dispute is purely of civil nature. The allegations are attributed to son of applicant's Amit and Sumit. No role played by applicants. The applicants are not partners of Shree Balaji Associates and S.R. Constructions. No amount is transferred to the account of applicants. The accused nos.1 and 2 had filed complaint against the complainant in this case. The Bank Statement shows that complainant had received Rs.1,40,62,000/-, cash Rs.59,32,000/- from the co-accused. The dispute apparently refers to money

transaction between both the parties. I have perused the aforesaid documents. The complainant has deposited the money by way of investment with an understanding of return of interest or profits. The complainant has attributed role to the co-accused. Considering the nature of allegations, custodial interrogation of applicants is not necessary. In view of the aforesaid circumstances, case for grant of anticipatory bail is made out.

4 Hence, I pass the following order:

:: O R D E R ::

- (i) In the event of arrest of the Applicant in connection with C.R.No.I-184 of 2017, registered Ambernath Police Station, District-Thane, they may be released on their furnishing P.R. Bond in the sum of Rs.20,000/-, each, with one or more sureties in the like amount;
- (ii) Applicants shall attend the Investigating Officer of Ambernath Police Station, District-Thane, as and when called, till filing of the charge - sheet;

- (iii) Applicants shall not tamper with the evidence;
- (iv) Anticipatory Bail Application No.2251 of 2018 stands disposed of.

(PRAKASH D. NAIK, J.)