

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

ANTICIPATORY BAIL APPLICATION NO.2253 OF 2018

Nandkumar chaugule & Anr. .. Applicants

Vs.

State of Maharashtra .. Respondent

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Mr.Viresh V. Purwant, Advocate for the Applicants.
Mr.A.R. Kapadnis, APP for the Respondent – State.
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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-207 of 2018 (FIR No.0274), registered with Dombivli Police Station, District – Thane, for the offences punishable under Sections 420, 406 read with 34 of Indian Penal Code (“IPC”, for short) and Sections 3 and 4 of the Maharashtra Protection Of Interest Of Depositors Act (“MPID”, for short).

2 The case of the prosecution is that the accused had floated a scheme and advertised that a member in that scheme will get Air Conditioner, Television etc. on payment of Rs.10,000/- and on bringing one new member in the scheme. The accused

obtained PAN Card, Aadhar Card, Ration Card, and other documents and obtained Signature on Capital Finance Company. The accused obtained the amount in the name of complainant from Capital Finance Company and provided duplicate articles to them and deceived them and misappropriated the loan amount.

3 Learned counsel for the applicants submitted that the applicants are falsely implicated in this case. They have co-operated with the investigation during the pendency of the application before the Sessions Court. Interim protection was granted to them. It is submitted that the wife of the complainant had also purchased LED Television from M/s.Ganesh Electronics on installment basis. She had duly paid her installments for eight months. Complainant had booked Air Conditioner on 26th September, 2017, and, as the stock of the said articles was not available, he was informed that the delivery will be made in two days. Thereafter, the complainant was informed that the delivered will be made today. The complainant's friend suggested him to take Voltas Company Air Conditioner, so the complainant approached Ganesh Electronics and requested to deliver Voltas Company Conditioner. He informed that the Voltas Air Conditioner need to be ordered from the manufacturer/company

as the fresh piece of the Air Conditioner is not available. Complainant agreed for the same. Thereafter, the complainant informed the applicant not to deliver it as he will be visiting the shop. Thereafter the complainant informed that instead of Voltas he wanted to purchase Blue Star Air Conditioner. Accordingly on 16th November, 2017, the complainant was delivered Blue star Air Conditioner at his residence. He had paid EMI for 4 to 5 months and latter on did not make any payment. It is submitted that there is nothing to be recovered. Learned APP submitted that there are several persons who had participated in the scheme, which was introduced by the accused. It is alleged that as per their demand, articles were not provided to them. Learned counsel for the applicant, however, submitted that their grievance would be settled. Taking into consideration the nature of offence, custodial interrogation of the applicant is not necessary.

4 Hence, I pass the following order:

:: O R D E R ::

- (i) In the event of arrest of the Applicants in connection with C.R.No.I-207 of 2018 (FIR No.0274), registered with Dombivli 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 Dombivli Police Station, District-Thane, as and when called;
- (iii) Anticipatory Bail Application No.2253 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)