IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.29 OF 2019

Rajendra Janardan Chavan] … Applicant

Versus

The State of Maharashtra] … Respondent

Mr. Prabhanjan Gujar, Advocate for the Applicant.
Ms. S.S. Kaushik, APP for the State/Respondent.
API S.M. Pawar attached to Satara City Police Station present.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 17 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.1007/2018 registered with Satara City Police Station u/sec.406, 420 r/w 34 of I.P.C.

2. The FIR is registered on 17/11/2018 by one Jaysinh Shedge. The first informant wanted to enter into the business of chain of sugarcane juice centres and for that purpose he was in need of money. He knew the present applicant who was working with Janata Sahakari Bank Ltd., at Satara at Rahimatpur Branch. When the first informant

told the applicant that he was in need of loan, the applicant represented to him that he was in a position to obtain loan for him from Godbole Trust, Pune at 7% interest. The applicant introduced the informant with one Shivraj Pawar at Satara. Both of them told the informant that one Narayan Choudhary was the main person who was in a position to give them loan from Godbole Trust. At the instance of the present applicant and Shivraj Pawar, the informant had a telephonic talk with Narayan Choudhary who told the informant that he was on the Board of Trustees of Godbole Trust as well as Joshi and Pandit Trust. He further told the informant that if he wanted loan, he had to purchase the shares of that trust to the tune of Rs.15,00,000/-. However, on the request of first informant, the applicant told the informant that at least Rs.8,20,000/- were necessary to be paid for the purchase of shares. The first informant paid Rs.7,20,000/- through cheque and the present applicant himself collected Rs.1,00,000/- from the first informant's shop. Even out of that Rs.1,00,000/-, Rs.87,000/- only was deposited in the account. It is the case of the first informant that, on few occasions different cheques were given to him on the pretext of advancing loan amount. However, all these cheques were dishonoured. The loan was never advanced to the first informant.

The first informant realised that he was cheated and therefore, he lodged the FIR.

3. Heard Mr. Prabhanjan Gujar, Advocate for the Applicant and Ms. S.S. Kaushik, APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that the applicant had a very limited role to play that he had merely introduced the first informant to the main accused Narayan Choudhary. Beyond that there is no role against him. He further submitted that the applicant has already deposited Rs.1,00,000/- in this court. Therefore, his custodial interrogation is not necessary. He further submitted that Accused No.3 Advocate Shivraj Pawar is already granted anticipatory bail by the Court of Sessions, Satara.

5. Considering the allegations in the FIR, it is clear that the entire episode started because of the applicant himself represented to the first informant that he was in a position to procure loan for him. On different occasions, the applicant and other accused Shivraj Pawar made various representations to the first informant inducing the first

informant to part with his money. The applicant himself was instrumental in introducing the main accused Choudhary with the first informant. Because of these representations, the first informant had parted with Rs.8,20,000/-. The involvement of the applicant is further clear from the fact that he himself had collected Rs.1,00,000/- from the shop of the first informant. Ultimately, neither the loan was given to the first informant nor his money was returned. This shows that all the accused in collusion had criminal intent right from the inception to cheat the present first informant. Hence, custodial interrogation of the applicant is necessary to find out the entire conspiracy. Hence, there is no merit in the application of the applicant as alleged.

6. Ld. Counsel for the applicant submits that pursuant to the earlier order, the applicant has deposited Rs.1,00,000/- in this court. Since, the application is rejected, the applicant is permitted to withdraw this amount of Rs.1,00,000/- which he has deposited with the Registrar of this court. Hence, the following order.

ORDER

1. Application is rejected and stands disposed of accordingly.

2. The applicant is permitted to withdraw the amount which he has deposited in this court.

(SARANG V. KOTWAL, J.)