

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application NO. 2271 OF 2019

1. Vithal Kondiba Sonawane,
2. Mukund Vithoba Wamane,
3. Diwakar Vishwakarma,
4. Dinesh Udaya Pandey, &
5. Parashuram Nivrutti Shelar.

..Applicants.

Versus

The State Of Maharashtra

...Respondent

....

Mr. Shyamrishi Pathak i/b. Subhash Pal, Advocate for the Applicants.
Mr.S.S. Kaushik, APP, for the Respondent-State.

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CORAM : SARANG V. KOTWAL, J.

DATE : 16th OCTOBER, 2019

P.C.

1. The applicants are seeking anticipatory bail in connection with C.R. No.878/2019 registered with Foujdar Chawadi Police Station, Solapur under Sections 417, 420 and 421 read with 34 of I.P.C.

2. At the outset, learned Counsel for the applicants submits that applicant No.1 is arrested and thus the application has become infructuous against him. Learned Counsel makes submissions in respect of the remaining applicants.

3. The FIR is lodged on 8.8.2019 by one Ulpatai Surawase. She has stated that she was follower of a spiritual guru. She was

knowing other devotees. She has named all the applicants and one Milind Dangre, Jayshree Bhosale and Meena Bankar as some of the devotees. She has further stated in her FIR that in November, 2018, Vitthal Sonawane, Jayshree Bhosale, Milind Dangare and applicant No.2 came to her house in Solapur. Milind told her that the spiritual guru was to come to Phaltan on 9.12.2018. He further told her that she should not disclose this fact to anybody. He was collecting money for constructing a temple and he needed money to bring that spiritual guru to Phaltan. He demanded Rs.2 Lakhs and accordingly the first informant and her friends collected Rs.2 Lakhs and paid to Milind Dangre. Thereafter on 9.12.2018, the informant went to Phaltan to attend that programme. At that time instead of the spiritual guru one impostor appeared there. The first informant immediately realized that she was cheated. Thereafter she approached Milind Dangre and Vithal Sonawane for returning her money, but, that money was not returned and the FIR came to be lodged.

4. I have heard Shri Pathak, learned Counsel for the applicants and Smt. S.S. Kaushik, learned A.P.P. for the State.

5. Learned Counsel for the applicants submits that none of the applicants had accepted money from the informant. They had not made any representations and, therefore, they are not connected with the offence. He submitted that applicants No.3, 4 and 5 had not even gone to her house in Solapur. Applicant No.2 also did not accept any money and did not make any representation.

6. Learned A.P.P. opposed this application on the ground that an innocent devotee was cheated and made to part with Rs.2 Lakhs.

7. I have considered all these submissions. There are hardly any allegations against applicant Nos.3, 4 and 5. Even against applicant No.2 the only allegation is that he had accompanied the main accused Milind Dangre and Vithal Sonawane when they had gone to the house of the informant. All the false representations were made by Milind Dangre and the money was also accepted by him. The FIR itself shows that the first informant had demanded that money from Milind Dangre and Vithal Sonawane. Thus, even applicant No.2 does not seem to be

connected with the alleged offence. Moreover, the offence was complete in December, 2018 and the FIR was lodged only in August, 2019. This is also an important fact. Thus, the custodial interrogation of applicant Nos.2 to 5 will not yield anything worth importance. Hence, the following order :

ORDER

- (i) In the event of arrest in connection with C.R. No.878/2019 registered with Foujdar Chawadi Police Station, Solapur, applicant Nos.2 to 5 are directed to be released on bail on their furnishing PR bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
- (ii) As far as applicant No.1 is concerned, present application has become infructuous against him since he has been arrested.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)