

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

ANTICIPATORY BAIL APPLICATION NO. 359 OF 2019

Dhiren Zaver Pandav	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Vinay Kumar Dubey for the applicant.
Mr. A.R. Kapadnis, APP for the Respondent-State.
Mr. Digvijay Patil, Dindoshi Police Station is present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 15th FEBRUARY, 2019.

P.C.

1. This is an application for anticipatory bail in connection with CR No. 5 of 2019 registered with Dindoshi Police Station for the offences punishable under Sections 376, 406, 420 of Indian Penal Code. First Information Report was lodged on 4th January, 2019.
2. The case of the complainant is that she was acquainted with the applicant since 2015. The complainant was in the business of garments. Thereafter, the applicant had met the complainant for discussion on the business of garments. The complainant was thereafter asked to join the office of the applicant for getting experience in garments business for a period of one month. Thereafter both have developed friendship. The applicant had

made promise of marriage. It is further alleged that there was physical relationship between applicant and the complainant. The complainant was also induced to part with amount for the purpose of business. However, the applicant accused had backed out from the promise of marriage and also duped the complainant for an amount of Rs. 19,25,791/-.

3. Applicant had preferred anticipatory bail application before the Sessions Court which was rejected on 20th January, 2019. The contention of the applicant is that dispute in respect to transaction of money is of purely civil in nature. The relationship between the accused and the complainant was consensual in nature.

4. Learned APP submitted that the applicant had cheated the complainant by taking the money and also maintained a physical relationship, even though applicant is married person.

5. In the First Information Report, the complainant had stated that she had requested the complainant to make her partner in his garment business. It is also alleged that applicant is married person and he would divorce the wife and would perform the marriage with the complainant. The alleged amount was paid in the year 2015, 2016 and 2017. However, First Information Report

was lodged on 4th January, 2019.

6. Considering the factual aspects and the custodial interrogation of the applicant is not necessary as the applicant can be directed to co-operate with the investigation. Hence, I pass the following order.

ORDER

- i. Anticipatory Bail Application is allowed;
- ii. In the event of arrest of applicant in connection with C.R. No. 5 of 2019 registered with Dindoshi Police Station, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. Applicant shall report to the investigating officer of the concerned Police Station on 20th February, 2019, 21st February, 2019 and 22nd February, 2019 and thereafter as and when called for till filing of the chargesheet;
- iv. Applicant shall furnish the residential proof to the Investigating Officer;
- v. Anticipatory Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)