

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

ANTICIPATORY BAIL APPLICATION NO.701 OF 2019

Rohit Kantilal Bhosale

...Applicant

Vs.

State of Maharashtra

...Respondent

Mr. Vikas B. Shivarkar, for the applicant.

Mr. S. H. Yadav, for the State.

CORAM : SARANG V. KOTWAL, J.

DATE : JUNE 07, 2019

P.C.:

1. The applicant is seeking anticipatory bail in connection with C.R. No.75/19 registered with Chikhali Police Station, Pune under Section 420, 406, 341, 504, 506 of IPC.

2. The FIR is lodged on 12/1/2019 by one Liladhar Warade. It is the case of first informant that in June 2016, present applicant had got acquainted with him through his brother-in-law. The applicant represented that he was producing a Marathi film for which he needed finance to the tune of Rs.1,50,00,000/-. He represented that if the said amount was paid to him by the first informant then they could start

partnership business. The FIR mentions that the present applicant continuously induced the first informant to invest said amount. The first informant initially paid Rs.15 Lakhs in cash and Rs.16 Lakhs through RTGS to the applicant between 8/12/2016 to 6/11/2017. It is further the case of the first informant that remaining amount of Rs.1,05,00,000/- was to be paid by the first informant. He handed over cheques to the applicant. However, since the applicant was not honouring his commitment, the first informant stopped payment of those cheques. But even then, the amount which the applicant had already given to the tune of Rs.3 Lakhs was not returned. No document to start the partnership business was executed and thus the amount was misappropriated. Based on these allegations, the FIR was lodged.

3. Heard Mr. Shivarkar, Ld. Counsel for the applicant and Mr. S. H. Yadav, Ld. APP for the State.

4. Mr. Shivarkar submitted that the applicant himself had given complaint to the Police Inspector, Nigadi Police Station on 26/8/2018. It is his case that the applicant himself had given money to the first informant and the first informant was not repaying that amount.

5. After giving this application to the Police Inspector, Nigadi Police Station, the applicant does not appear to have pursued his complaint further. Looking at the nature of allegations in the FIR, it is clear that at least an amount of Rs.16 Lakhs is transferred through RTGS by the first informant to the applicant. To that extent, there cannot be any dispute except that the applicant is claiming that it was in repayment of the financial assistance extended by the applicant himself.

6. Considering the nature of the allegations in the FIR, at this stage it is difficult to hold that applicant himself had extended financial assistance to the first informant. Therefore, custodial interrogation of the applicant is necessary. There is no merit in the application. The application is accordingly rejected.

(SARANG V. KOTWAL, J.)