IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 761 OF 2019

Prashant Shahaji Salunke@ Patole @ Anr. ...Applicants
Vs.
State of Maharashtra ...Respondent

- Mr. Mangesh Bhikaji Shirsat, Advocate for the Applicant.
- Mr. S. S. Pednekar, APP for the State.

CORAM : SARANG V. KOTWAL, J.
DATE : 26th JULY, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with CR No. 249/17 registered at Saswad Police Station under Section 420 of the IPC.

2. The FIR is lodged by one Balasaheb Gaikwad on 17th August 2017. He has mentioned in his FIR that, he had retired from Army in 1978. After that he was conducting a business of supplying sand to builders in Pune. In the meantime, he came in contact with the present applicants. They represented to him that if he was willing

to invest more money in the business, they were in a position to get a big contract for supplying of sand. He has stated in his FIR that on 20th January 2014 and 24th February 2015 he paid them rupees two lakhs and rupees three lakhs from his bank account. Thus, according to him, he has paid rupees five lakhs but these applicants misappropriated his money and did not get any contract for him as promised. Thus, according to him, he was cheated by these applicants. Based on these allegations, FIR is lodged.

3. Heard, Mr. Shirsat, learned counsel for the applicants and Mr. Pednekar, learned APP for the State.

4. Learned counsel for the applicant relied on a copy of cheque annexed at exhibit B to this application. That cheque was dated 16th February 2015 issued by the applicant in the name of the applicant no. 2 for rupees five lakhs. Learned counsel for the applicant submitted that this cheque was dishonored, which shows there was some other transaction and therefore the transaction reflected in the FIR is not the correct transaction. He submitted that the informant and the applicants are relatives and no purpose would be served by arresting them. He submitted that he has

furnished that bank account statement to the investigating agency and they can verify the respective accounts of the parties, for that purpose interrogation is not necessary.

5. Learned APP submitted that the investigating agency has recorded supplementary statement of the first informant dated 14th April 2019 after the applicants had raised the issue of the cheque dated 16th February 2015 for rupees five lakhs. It is the case of the informant in the supplementary statement that the cheque was given in respect of the same transaction. However, that cheque could not be honoured. Thereafter, the informant had paid rupees three lakhs on 24th February 2015.

6. I have considered these submissions. It is reflected in the FIR that these applicants had taken money from the first informant on the promise of giving him a contract for supplying sand. Nothing was done by the applicants and his money was not returned. At this stage, the investigating agency is also supporting the case of the informant that rupees five lakhs were paid by the him to these applicants. The money is misappropriated.

7. In this view of the matter, custodial interrogation of the

applicants is necessary to trace out the money and their involvement in the offence. Hence, the application is rejected.

SARANG V. KOTWAL, J.)