IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1309 OF 2019

Umesh Ramesh Kokane … Applicant
Versus
The State of Maharashtra … Respondent

Mr. Manoj M. Gadkri, Advocate for the Applicant.
Mr. S. H. Yadav, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 20th JUNE, 2019.

P. C. :-

1. Applicant is seeking anticipatory bail in connection with CR No. 330 of 2019 registered with Yerwada Police Station, Pune under Sections 420, 406, 465, 467, 471, 323, 504, 506 read with Section 120-B of the IPC.

2. The FIR is lodged by one Sanjay Khomne on 4th May 2019. It is the case in the FIR that the informant was a small time builder. He was in need of money for his business. He got in contact with main accused Nitin Rashinkar through one Ranjeet Londhe. The first informant went to the office of Nitin Rashinkar. At that time Ranjeet Londe, Rohan Londhe and the present applicant were present. The first informant told them that he needed around Rs. 4.50 Lacs for his business purpose. At that time he was given the said amount by way of loan and he had repaid the amount within a month. According to the first informant Nitin Rashinkar was a builder and

present applicant and others were his associates. In September 2017 Nitin Rashinkar gave him certain contract which informant completed within a reasonable time and he was immediately paid for his work. Thus, he had very cordial relationship with Nitin Rashinkar and they were on good terms. On one occasion said Nitin Rashinkar informed the first informant that he needed 1.5 Cr. for his business. Nitin Rashinkar's wife told the informant that her husband was in good financial position, had good reputation, he had helped many people and that the informant would get handsome returns on his investment.

3. It is his case that, in October 2017, Ranjeet Londhe, Rohan Londhe and the present applicant also made the same representation. They took the informant to Nitin Rashinkar's office. All of them told the informant that they were in a position to obtain a loan of Rs. 1.5 Cr and they would pay initial amount for processing. Accordingly, Nitin Rashinkar deposited 4.50 Lacs in the account of the informant. The loan was applied for, by using that money. The loan was sanctioned. It is the case of the informant that Nitin Rashinkar, Ranjeet Londe, Rohan Londhe and the applicant went to the bank. Amount of Rs. 10 Lacs was withdrawn which Nitin Rashinkar took from the informant. All of them took some blank cheques from the informant. After that the informant transferred amount of Rs. 1 Cr in the account of Nitin Rashinkar. However, thereafter no further progress was

made. The informant did not get back his money and he realised that he was cheated. When he approached the police, Nitin Rashinkar tried to settle the matter with him and entered into some land transaction with the informant, which also turned out to be fraudulent transaction as Nitin had already sold the land to somebody else. It is the case of the first informant that the said Rajneet Londhe, Rohan Londhe and present applicant started threatening him whenever he demanded his money back. On this basis FIR is lodged.

4. Heard Mr. Gadkari, Advocate for the applicant and Mr. Yadav, APP for the State.

5. Mr. Gadkari submitted that it was a purely business transaction and if the informant had lost his money, even then no criminal offence is made out. He further submitted that the present applicant is falsely implicated in this matter. The allegations are against the main accused Nitin Rashinkar. The applicant himself had nothing to do with the alleged crime and the first informant.

6. I have considered the contentions of both parties. I am informed that the main accused Nitin Rashinkar was arrested and was granted regular bail in this case. The allegation in the FIR do indicate that the first informant was made to believe that Nitin Rashinkar was in a position to help him in the long run. The FIR indicates that the first informant had applied for loan

and the loan was granted to him. The informang gave more than Rs. 1 Crore to Nitin Rashinkar in the hope that ultimately the said Nitin Rashinkar would help the first informant in his business. Thus, prima facie it appears, to be a business proposal which the first informant had entered into with the Nitin Rashinkar. Subsequently he did not get back the money. Thus, there are allegations that Nitin Rashinkar had misappropriated the amount. However, the present applicant had no direct role to play. As per the FIR the money was never directly given by the first informant to the present applicant. The main allegations against him are that he was present when Rashinkar gave that business proposal and present applicant had also advised the informant in that behalf. No separate role is attributed to the present applicant. Considering these facts and also taking into consideration that the first informant after giving proper thought to the proposal, has himself given money to Nitin Rashinkar. The role of the applicant does not appear to be that serious. He was alleged to be associated with the main accused Nitin Rashinkar. Therefore, custodial interrogation of the applicant is not necessary though he has to corporate with the investigation. Hence, the order.

ORDER

(i) In the event of his arrest in connection with C.R. No 330 registered with Yerwada Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

(ii) The Applicant shall attend concerned Police Station as and when called and shall cooperate with the investigation.

(iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)