

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

ANTICIPATORY BAIL APPLICATION NO.1966 OF 2017

Vijaykumar s/o. Chandrashekhar	 Applicant
versus	
The State of Maharashtra & Ors.	 Respondents

.....

- Mr.Raviraj R. Paramane for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent.
- Mr. Piyush Toshnival I/b. Nilabh Toshnival for original complainant.
- Mr. Shrihimaye Sadashiv I/b. Jayendra Khairnar for intervener.
- S.D.Kakad, PSI-EOW, Nasik city is present.

CORAM : SARANG V. KOTWAL, J.
DATE : 11th JUNE, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.I 187 of 2017 registered with Adgaon Police Station, Nasik, under sections 420 and 409 r/w. 34 of the Indian Penal Code.

2. The F.I.R. is lodged on 02/08/2017 by one Pravesh Kocheta. According to him, the present applicant came in contact with him and represented to him that the applicant and his partner had an export firm operating from Tamilnadu. They were

exporting jute bags and onion. At the first instance the applicant took delivery of those goods worth more than Rs.15 lakhs, for which, payment was promptly made, therefore, first informant reposed trust on him. On the next occasion, on the instructions of the applicant, the first informant dispatched goods worth Rs.24,47,950/-, however, this time, the applicant did not make payment. After some time, only Rs.1,80,800/- were paid and Rs.22,67,150/- still remained outstanding. Based on these allegations, FIR was lodged.

3. Heard learned counsel Mr.Raviraj R. Paramane for Applicant, learned counsel Mr. Piyush Toshnival for original complainant, learned counsel Mr. Jayendra Khairnar for intervener and Mr. S. R. Agarkar, APP for the State/Respondent.

4. It is the case of the first informant that on inducement the applicant made the first informant to trust him. Then he was made to part with goods worth rupees more than 24 lakhs and thereafter he was duped.

5. The learned counsel for the applicant states that during the pendency of this application he has repaid the entire

outstanding amount to the first informant. The learned counsel for the first informant Mr. Piyush Toshnival is present in the court and he accepts that statement. Even learned APP on instructions of I.O. accepts this fact. Thus, it appears that, though the offence is registered for the offence of cheating, criminal breach of trust, now that outstanding amount is recovered and the dispute between the parties has come to an end. No purpose will be served by arresting the accused for custodial interrogation. Therefore, he deserves protection of anticipatory bail. The dispute appears to be strictly private dispute. Learned counsel Shri. Khairnar submitted that there are other victims who have suffered at the hands of present applicant. Since the present investigation is pertaining to the FIR lodged vide C.R.No.I 669/19, these observations and this order are restricted to the allegations in the said FIR. Other victims are at liberty to pursue their remedies available to them in law.

6. Hence, the following order :

ORDER

- (i) In the event of arrest of the applicant in connection with C.R. No.I 187 of 2017 registered with Adgaon Police Station, Nasik, 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)