

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

**ANTICIPATORY BAIL APPLICATION NO.2628 OF 2019**

|                        |               |
|------------------------|---------------|
| Deepa Vikrant Dabhekar | .. Applicant  |
| <b><i>Vs.</i></b>      |               |
| State of Maharashtra   | .. Respondent |

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Mr.Vimal Kumar Patwa i/b. Mr.Pranav P. Pakale, Advocate for the Applicant.

Mrs.A.A. Takalkar, APP for the Respondent – State.

Mr.Rajendra Dahiphale (API), Chaturshrungi Police Station, Pune.

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**CORAM : PRAKASH D. NAIK, J.**

**DATED : NOVEMBER 29, 2019.**

**P.C. :**

This is an application for anticipatory bail in connection with C.R.No.265 of 2019, registered with Chaturshrungi Police Station, Pune, for the offences punishable under Sections 406, 420, 467 and 468 read with 34 of Indian Penal Code ("IPC", for short).

2           The case of the prosecution is that the complainant had parted an amount of Rs.10,00,000/- to accused no.1 Sandip Kadam, which was not returned back to the Complainant. It is alleged that the Applicant had induced the complainant to give the amount to accused no.1. Cheque of Rs.10,00,000/- was issued

by the Applicant – accused in favour of complainant by way of security. When cheque was deposited, account was closed. However, since the amount was not returned, the First Information Report (“FIR”, for short) was lodged.

3           Accused No.1 has been arrested and he has been released on bail. Applicant preferred an Application for anticipatory bail before the Sessions Court, which was rejected.

4           On perusal of the FIR, it is apparent that the amount was parted to accused no.1 Sandip Kadam. The cheques were issued by the Applicant, which were dishonoured, as the account was closed. Learned APP submitted that the Applicant gave assurances to the complainant and induced her to part with the amount. The Applicant has also closed the account before the due date of the cheque. Thus, Applicant had acted in connivance with accused no.1.

5           It is pertinent to note that the amount was actually parted by RTGS to account of Sandip Kadam. He was arrested. No amount has been recovered from him. He is released on bail. However, while granting bail, the trial Court has observed that the accused no.1 has undertaken that he is ready and willing to return the amount to the complainant. Learned APP submits that

the co-accused have breached the conditions. It is open to the prosecuting agency to initiate appropriate action. The custody of the Applicant is not necessary. Hence, case for grant of bail is made out.

6 Hence, I pass the following order:

**:: O R D E R ::**

- (i) Anticipatory Bail Application No.2628 of 2019, is allowed;
- (ii) In the event of arrest of the Applicant in connection with C.R.No.265 of 2019, registered with Chaturshrungi Police Station, Pune, he be released on bail on his executing P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;
- (iii) Applicant shall report to investigating officer as and when called for till filing of charge-sheet;
- (iv) Anticipatory Bail Application stands disposed of.

**(PRAKASH D. NAIK, J.)**