

Dond

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

ANTICIPATORY BAIL APPLICATION NO.2616 OF 2018

Vijay Dhondu Bhandkoli

..Applicant

Vs

The State of Maharashtra

..Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 297 OF 2019

Pravin Namdeo Patil

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. R.M. Kanojiya for Applicant in ABA 2616/2018.

Ms. Pooja Thakur for Applicant in ABA 297/2017.

Mr. R.M. Pethe, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 19th March 2019.

P.C.:

1] These are applications under Section 438 of Cr. P.C. for pre-arrest bail in CR No.I-153 of 2018 registered with Rabodi Police Station, Thane under Sections 420 the Indian Penal Code and under section 66(c), (d) of Information Technology Act, 2000

2] Heard the learned counsel for the respective applicants and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Shri Rajendra Wagh. It is stated that, during the course of his routine e-mail checking, he came into contact with an entity namely M/s Balaji Enterprises through Michelle Cheryl. After thorough analysis of emails, it was informed to the informant that, the said M/s Balaji Enterprises is in the business of Krishi Raw Medical Oil and same will be made available to the informant from Dubai. Thereafter basic terms of business transactions were settled through e-mail. The owner of M/s Balaji Enterprises directed the informant to deposit Rs.11,15,000/- in the account No.37762777150 (ISFSI-SBIN0014771). Accordingly the said amount was deposited in the said account on 28.8.2018. After receipt of the said payment, the person from Balaji Enterprises dodged the informant's queries and did not give delivery of assured oil. After realizing that, the informant has been cheated by M/s Balaji Enterprises, the present crime is registered.

4] The learned counsel for the applicants submitted that, there is no direct link between the applicant and the said account with SBI Bank and the applicants have nothing to do with the said bank account. The applicants have been falsely implicated in the present crime. He therefore

submitted that, the applicants may be protected by pre-arrest bail.

5] Perusal of record of investigation would indicate that, the police have traced out the holder of the said account with State Bank of India namely Mr. Manoj Kamble. The said person in his statement has stated that, at the instance of the applicants, he had opened the said account and the applicants used to transact from the said account. That on 28.8.2018 under the instructions of applicant Vijay Bhandkoli, he withdrew Rs.10.00 lakhs from the said account at about 3.00 p.m. He has further stated that, at the time of withdrawal of the said amount, his friend Gulab Lahane was with him. It is further stated that at that relevant time three persons were sitting in a car which was parked opposite side of the bank and both the applicants were present there. The said Manoj handed over the cash withdrawn to both the applicants. The record further indicates that, there are corresponding entries of withdrawal of the amount from the said account. That the said M/s Balaji Enterprises Company is not a registered entity with the Registrar of Companies and is a bogus Company. The record indicates that, the applicant-Vijay D. Bhandkoli is involved in one crime bearing No.66 of 2016 registered with Parksite Police Station with similar allegations. As far as the applicant Pravin N. Patil is concerned, there are

five other crimes pending against him with similar nature of allegations in various police stations namely (1) CR No.341 of 2007 registered with Kalwa Police Station, (2) CR No.15 of 2016 registered with Kalwa Police Station (3) CR No.148 of 2007 registered with Bhoiwada Police Station, (4) CR No.93 of 2017 registered with Naupada Police Station and (5) CR No.201 of 2018 registered with Vartak Nagar Police Station, Thane. Thus it is apparent that, both the applicants are habitual offenders.

As per prosecution, despite directions of this Court, the applicant Pravin Namdeo Patil did not attend the concerned Police Station and did not co-operate in the process of investigation.

6] In view of the above and after taking into consideration the serious allegations against both the applicants and gravity of offence, this Court is of the opinion that, the applicants do not deserve to be protected by pre-arrest bail.

7] Both the applications are rejected.

(A.S.GADKARI, J.)