

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 238 OF 2020

Chandrakant Pandurang Koli ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Shivaji A. Masal, Advocate for the Applicant.

Mr. H. J. Dedhia, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 7th February, 2020

PC :

1. This is an application for anticipatory bail in C.R. No.5 of 2019 registered with Islampur Police Station, Dist. Sangli for offences punishable under Section 420, 406 r/w Section 34 of Indian Penal Code.

2. The case of the prosecution is that The FIR is lodged on 3rd January, 2019 by Dr. Sandeep Bhagwan Yadav. He has stated that he had treated the present applicant's father Chandrakant Koli in the year 2015. He got acquainted with him. Chandrakant was in the business of construction. He suggested to the first informant that they could develop project which would give handsome profit to the informant. Chandrakant showed informant 12 guntas of land at Karad near Mauli Park, Karve

Naka. The first informant showed interest. On 6th February, 2016, Chandrakant and his other son Swapnil approached him and asked him to give money to start the business. The first informant from time to time collected money from his own savings and that of his family members. It is his case, that, he had sold his gold ornaments and had obtained loan. The FIR mentions that from time to time he paid Rs.30,14,000/-. He has also stated that one Naganath Patil was also cheated in a similar way. The accused had cheated the first informant as well as Naganath Patil to the tune of Rs.73 Lakhs. It is also mentioned in the FIR that the father of the applicant had obtained money on the pretext of giving better job to the first informant.

3. Learned counsel for the applicant submitted that the entire case of the complainant is false. There is delay in lodging in FIR. The transaction is made on 2016 and FIR was lodged in 2019. All the transactions are in cash. There are only two antecedents in the name of accused No.2. The accused was arrested and granted bail. The other accused was granted anticipatory bail by this Court. The statement of Jewellers recorded during the course of investigation falsify the version of the complainant. The said witnesses stated that ornaments were not placed with him however, the case of the complainant is that he has visited the said jewellers along with

accused and placing ornaments cash was obtained which was hand over from the accused No.1.

4. Learned APP submitted that applicant had given cheque of Rs. 15 Lakhs which was dishonored. FIR attributes specific role to the applicant. He induced the complainant to part with the amount from time to time. The applicant is habitual offender. One more case registered against him with Pawai Police Station. The complaint was lodged after the cheque was dishonored. Learned counsel for the applicant however contended that the applicant is granted bail in the case registered with Pawai Police Station.

5. I have perused the FIR. The FIR was registered on 3rd January, 2019 thereafter the applicant had preferred application for anticipatory bail in august 2019 which was rejected. After a period of 4 to 5 months present application was preferred. Apparently, it appears that the applicant was not available for investigation. This Court while considering the application preferred by the co-accused has observed that the considering entire allegations it appears that the offence was committed by the applicant and his son. The investigation conducted by the police shows complicity of the applicant in the crime. The arguments advanced by the counsel appearing for the applicant cannot be considered at this stage. There

is clear involvement of the applicant. Considering the investigation papers and the material on record, no case for grant of bail is made out.

6. Hence, I pass the following order :

ORDER

Anticipatory Bail Application No. 238 of 2020
stands rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)