

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.262 OF 2020

Himanshu Aditya Lohani	Applicant
versus	
The State of Maharashtra	Respondent

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.97 OF 2020

Vaijayanta Manik Pawar	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Satyavrat Joshi with Sunil S. Kamble for applicant in ABA No.262 of 2020.

Mr.Satyavrat Joshi with Mr.Nitesh J. Mohite for applicant in ABA No.97 of 2020.

Mr.S.S.Pednekar, APP, for State.

Mr.Dinesh C. Patankar for original complainant in ABA No.262/2020.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th February 2020

PC :

1. The applicants are apprehending arrest in connection with CR No.364 of 2019 registered with Paud Police Station, Pune, for offences under Sections 408, 420, 465 r/w 34 of Indian Penal Code. The FIR was lodged on 4th August 2019.

2. It is the case of prosecution that the applicant Himanshu Lohani was marketing and sales executive in the company of informant namely Enerrgia Skyi Developers since 2012. He was looking at the work of marketing including advertisements of

projects for informant. The applicant Vaijayanta is wife of applicant Himanshu. She is proprietor of company named as Jackbox Media. It is alleged that accused with the common intention prepared the forged quotations in the name of Samarjit Solaskar by mentioning the fake GST number of their advertising agency Jackbox Media and diverted the work of complainant's company. They also allegedly misappropriated the amount of the complainant. The applicants had preferred application for anticipatory bail before Sessions Court, which were rejected.

3. Learned counsel for applicants tendered affidavits on behalf of applicants. Both are present in Court. In the affidavit it is stated that both the applicants shall deposit Rs.17,50,000/- each i.e. Rs.35,00,000/-. The affidavit also contains schedule of deposit. It is also stated that the amounts shall be deposited before the Court of learned JMFC, Pune to show their bona fides. As per both the affidavits, the applicants have undertaken to deposit the amounts respectively viz :

- (i) Rs.5,00,000/- on or before 1st March 2020;
- (ii) Rs.1,50,000/- on or before 15th March 2020;
- (iii) Rs.4,00,000/- on or before 15th April 2020;
- (iv) Rs.3,50,000/- on or before 31st May 2020;
- (v) Rs.3,50,000/- on or before 31st July 2020.

4. The affidavits of both the applicants are taken on record and marked "X" and "X-1" respectively for identification. All statements made in respective affidavit are accepted. Copies of the affidavits are served on learned counsel for intervenor and learned APP.

5. In the circumstances, relief prayed in these applications can be granted. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application Nos.262 of 2020 and 97 of 2020 are allowed and disposed of;
- (ii) In the event of arrest of applicants in connection with CR No.364 of 2019 registered with Paud Police Station, Pune, they be released on bail on furnishing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall attend the Investigating Officer as and when called for;
- (iv) The applicants shall comply with the affidavits dated 24th February 2020 and deposit the amounts stated therein before the Court of JMFC, Pune, within stipulated time, as enumerated in the affidavits;
- (v) The deposit is being made, to show the bona fides of applicants and without prejudice to their rights and defences;
- (vi) The deposit of Rs.35,00,000/- may not be constituted as total liability in the prosecution case;
- (vii) The amount deposited by the applicants shall be invested in any nationalized bank by way of fixed deposit;
- (viii) The liability in respect to the amounts deposited by the applicants, shall be decided by the Trial Court during trial.

(PRAKASH D. NAIK, J.)