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

**ANTICIPATORY BAIL APPLICATION NO.2518 OF 2019**

Nilesh Ramjit Pandey .... Applicant
Versus
The State of Maharashtra .... Respondent

Ms. Jayshree Tripathi i/b. U.N. Tripathi, Advocate for Applicant.
Ms. Pallavi N. Dabholkar, APP for State/Respondent.
API Mansing Patil is present.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 17th DECEMBER, 2020.**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No.502/2017 dated 29.12.2017 registered at MHB Police Station, Mumbai under Section 420 read with 34 of the Indian Penal Code.

2. Heard Ms. Jayshree Tripathi, learned Counsel for the Applicant and Ms. Pallavi N. Dabholkar, learned APP for the State.



3. The FIR is lodged by one Govind Jogdiya. He has stated in his FIR that in the year 2012, he got acquainted with the

Applicant's mother Shashikala Pandey. She was the Chairman of Arjun Co-operative Credit Society Limited. The first informant had an account in that Credit Society. He was in search of a room. Shashikala Pandey told him that she had two rooms for sale. The informant decided to purchase those rooms. The agreed price was Rs.8 Lakhs. The informant paid her Rs.50,000/- in February, 2012, at the first instance. Shashikala Pandey helped the informant in getting loan of Rs.50,000/- from her Credit Society in March, 2012. That amount was also accepted by her.

. It is the allegation in the FIR that on 1.4.2012, the informant paid Rs.1,50,000/- to the Applicant in the same transaction. Further amounts were paid to Shashikala Pandey; and on one occasion in August, 2015 Rs.55,000/- were given to the present Applicant. Subsequently neither room was given nor the money was returned to the informant and, therefore, this offence was registered.

4. Learned Counsel for the Applicant submitted that the Applicant did not make any inducement. He accepted money only on the instructions of his mother. He has nothing to do with the

transaction.

5. Learned A.P.P. submitted that at least on two occasions, the Applicant has knowingly accepted the amounts and, therefore, his complicity in the offence is obvious.

6. I have considered all these submissions. The transaction had taken place between 2012 to 2015. There is a delay of about two years in lodging the FIR. In the entire FIR, the main allegations are directed against the Applicant's mother. I am informed that the Applicant's mother Shashikala Pandey was arrested and was subsequently released on bail. Inducement was made by her. The transaction was entered into by her.

7. Only on two occasions, the Applicant had received the amounts. There was no inducement made by him. The informant had himself given that amount in pursuance of the transaction entered into by him with the Applicant's mother.

8. In this view of the matter considering the Applicant's lesser role, his custodial interrogation is not necessary. Hence, the Applicant deserves the protection of order of anticipatory bail.

9. Hence, the following order :

## ORDER

(i) In the event of his arrest in connection with C.R. No.502/2017 registered with MHB Police Station, Mumbai, 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) Anticipatory Bail Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**

Deshmane (PS)