**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.291 OF 2020**

TEJAL MUNSHI
VERSUS
THE STATE OF MAHARASHTRA
...
Advocate for Applicant : Mr. R.S. Deshmukh Senior Advocate i/b. Barlota Ambar S. and Sagar V. Kasar
APP for Respondent/State: Mr. P.G. Borade
...

**CORAM : MANGESH S. PATIL, J.**

**DATE : 27.01.2021**

**PER COURT :**

In this Application under Section 438 of the Code of Criminal Procedure, the applicant who has been arrayed as accused No.3 in the charge sheet filed in connection with Crime No.324/2019 for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code is seeking bail in the event of his arrest.

2. Shortly stated the allegations are to the effect that the informant is running an industry of manufacturing flour. The applicant is stated to have introduced him to the main accused who agreed to procure wheat for the informant's Industry. They entered into some agreement, whereby, informant agreed to purchase wheat over a period of time worth crores of rupees. It is then alleged that the main accused deceived the informant, made him to part huge money without intending to supply wheat. The role attributed to the applicant is about he having acted as a

middleman or a broker.

3. The learned senior advocate for the applicant submits that accepting the allegations at their face value, at the most it can be said that the applicant had merely introduced the parties to one another thereby facilitating them to enter into the transaction. No further role is attributable to him if the main accused has deceived the informant.

4. The learned senior advocate would further submit that it is a specific stand of the applicant that he possesses only one bank account which for the relevant period does not show any credit received from the main accused. He points out that in the charge sheet, a statement of account of the main accused is annexed which demonstrates that on three occasions some paltry amounts were transmitted to the account of the applicant. When the account of the applicant does not demonstrate any such credit having been received during that period, he cannot be prosecuted attributing with sharing intention with the main accused.

5. The learned senior advocate would further point out that apart from the bank statement the only other piece of material is the statement of one Vikas Narayan Devte who has stated about the applicant also having frequented to the premises of the informant and that is the reason he knows him. Conspicuously he does not attribute the applicant with any role in bringing about the transaction between the informant and the main accused.

6. The learned senior advocate lastly submits that the applicant was protected by way of ad-interim anticipatory bail when the application

was pending before the Sessions Court. Even this Court has protected him since March 2020. The investigation has also been completed and the charge sheet has been filed. He is ready to co-operate the Investigating Officer and the interim protection may be confirmed.

7. The learned APP opposes the Application. He submits that it is a matter of a case bordering conspiracy. In a systematic manner all the accused have cheated the informant who has parted with huge money. The extract of account of the main accused *prima facie* shows that some amounts were transmitted to the account of the applicant and that should be sufficient to reveal his complicity in the crime.

8. I have carefully gone through the papers. Ex-facie, even going by the allegations in the FIR, the role attributed to the applicant is about having acted as a broker, introducing the parties to one another.

9. Apart from these bald allegations which are even vague, the only piece of evidence that is available in the charge sheet is the three bank entries of the account of the main accused showing that some amounts were transmitted to the account of the applicant. The stand of the applicant is that he holds only one account of which the extract is produced with the Application for the relevant period and there are no corresponding entries showing that he has received these amounts on three occasions from the account of the main accused.

10. Witness Vikas Narayan Devte has not stated about applicant having facilitated/brokered the transaction between the informant and the

main accused and does not attribute him any other act.

11. Considering all the aforementioned facts and circumstances, when the applicant has already been protected for a long time, custodial interrogation of the applicant does not seem to be imperative and the interim protection deserves to be confirmed.

12. The Application is allowed. The ad-interim relief granted by the order dated 12.03.2020 stand confirmed with the same terms and conditions with a modification that the applicant shall attend the concerned police station on 01.02.2021 and 03.02.2021 between 11.00 am and 2.00 pm and shall cooperate the Investigating Officer.

**(MANGESH S. PATIL, J.)**

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