

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

ANTICIPATORY BAIL APPLICATION NO. 581 OF 2021

Pramod Rajendra Ambilwade ... **Applicant**
Age 30 years, Occu: Helper
R/o Gopinathnagar, Ward No.2,
Shrirampur, Tq.Shrirampur,
District Ahmednagar.

VERSUS

The State of Maharashtra, ... **Respondent**
Through Police Inspector,
Shrirampur City Police Station, Tq.
Shrirampur, District Ahmednagar.

Mr. Hemant U. Dhage and Mr. S. U. Kawwade, Advocates for the
applicant,
Mr. V. M. Kagne, A.P.P. for the State.

CORAM : V. G. BISHT, J.
DATE : 11th August, 2021.

ORDER:

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No. 2167/2020, registered with Shrirampur City Police Station, District Ahmednagar for the offences punishable under Sections 420, 406, 120(B), 34 of the Indian Penal Code, 1860.

2. Prosecution alleges that Balasaheb Dahale (A-1), his wife Shobha and son Akshy (A-2) lured the common man under the pretext

that they have launched a scheme of investment of gold under the name and style "Jwell Goldy Pvt. Ltd." thereby presented rosy pictures of reaping good profits. The people were lured with the profit of Rs.1,000/- per month from depositing 10 gm. gold with the said firm being run by A-1 and A-2 under the name as Dahale Alankar Gruh at Shrirampur. Believing on the said scheme and the representation, the informant and others deposited their gold with the said firm under the belief that they would get Rs.1,000/- per month on deposit of 10 gm. gold besides other promises. The informant, particularly, in all deposited 29 Tolas of gold and cash of Rs.60,000/-, however, to her dismay, the informant found that she has been cheated on to the tune of Rs.9,33,900/-.

3. Mr. Hemant Dhage, learned counsel for the applicant, vehemently submitted that the name of the present applicant is nowhere mentioned in the first information report. Even otherwise, his role is also not made clear in the alleged offence of cheating and whatever the alleged transactions had been, were between the main accused namely Mr. Balasaheb Dahale and the customers including the informant. The learned counsel then submitted that the main accused have already been released on bail. Investigation is completed and there being no criminal antecedents, the present application deserves to be allowed.

4. Mr. V. M. Kagne, learned A.P.P., on the other hand, opposed

the submissions by contending that since the time of filing of the first information report, the present applicant has been absconding. In such circumstance, the application does not merit consideration and needs to be rejected.

5. A closer scrutiny of the first information report would reveal that A-1 and A-2 named in the first information report allegedly cheated on the customers including the informant. There is absolutely no whisper as to the role played by the present applicant. Even the learned A.P.P. has not been able to satisfy this Court as to how the applicant is connected or he in connivance with the main accused cheated on the customers including the informant. Merely because the applicant was absconding since the time of filing of the first information report, that fact in itself will not compell this Court to draw adverse inference against the applicant particularly and admittedly when there is absolutely nothing in the first information report as to the role played by the present applicant.

6. For the aforesaid reason this court is of considered opinion that the application of the applicant merits consideration.

7. Hence following order

O R D E R

- i. In the event of arrest of the applicant in connection with Crime No. 2167/2020, registered with Shrirampur City

Police Station, District Ahmednagar for the offences punishable under Sections 420, 406, 120(B), 34 of the Indian Penal Code, 1860, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs. 20,000/- [Rs. Twenty thousand only], with one or two solvent sureties in the like amount.

- ii. The applicant shall attend concerned police station as and when called and shall cooperate with the police in the investigation.

8. Criminal application stands disposed of in the aforesaid terms.

(V. G. BISHT, J.)

JPC