

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

5 ANTICIPATORY BAIL APPLICATION NO.964 OF 2021

KU. NIKITA D/O RAMESHWAR CHANDEL
VERSUS
THE STATE OF MAHARASHTRA

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Mr.Amol Ratan Gaikwad, Counsel for applicant
Mr. A.V.Deshmukh, APP for respondents-State
Mr. S.V.Suryawanshi, holding for Mr. D.P.Munde, Counsel for Complainant
(assist to APP)

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CORAM : PRAKASH D. NAIK, J.

DATE : 15th NOVEMBER, 2021

PER COURT:

1] This is an application for pre-arrest bail in Crime No.201 of 2021 registered with Gangakhed Police Station, Tq. and Dist.Parbhani for the offences punishable under Sections 420 and 506 of Indian Penal Code (in short, 'IPC'). The First Information Report (for short 'FIR') was registered on 31st May, 2021.

2] The complainant has alleged that he got acquainted with the applicant through social media in the year 2018. They became friends. They had communication on cell phone. The complainant was working on contractual basis. The accused informed him that she would appoint him with the Air Port as Senior Engineer. She demanded money for that purpose. From 2019 onward, the complainant had transferred the

amount into the account of the applicant by way of electronic transfer. The total amount transferred into to the account of applicant to the tune of Rs.12 lakhs. The job was not provided to the complainant nor the amount was refunded to him. The accused avoided returning the amount and kept to threat him that she would commit suicide.

3] Learned counsel for the applicant submitted that the allegations in the FIR are concocted. The applicant and the complainant were in relationship. The amount was transferred voluntarily by the complainant. The allegation that the amount was transferred for providing job is after thought. The complainant has alleged that the amount was transferred on various occasions, it belies the case of the complainant. The transactions referred to in which the FIR are of different dates. The applicant has relied upon the Whats-App chat exchanged between the complainant and the applicant and submitted that they were having love affairs. There has been inordinate delay in lodging the FIR.

4] Learned APP submitted that it is not in dispute that the amount has been transferred into the account of the applicant. The complainant has transferred an amount of Rs.12 lakhs, which has required to be recovered. It is difficult to accept that on account of relationship, such a huge amount is transferred into the account of the applicant by the complainant.

5] Learned counsel for the complainant reiterated the submissions of the learned APP. It is submitted that the complainant and the applicant were in relationship is false. The Whats-App chats are creations of the applicant. Huge loss is caused to the complainant. The amount of Rs.12 lakhs was transferred into the account of the applicant. Hence, the application may be rejected.

6] Undisputedly, the complainant was acquainted with the applicant somewhere in the year 2018. They became friends. There was exchange of calls between them. The first information report refer to transfer of amount on different occasions. The transactions were made from 2019 – 2021. The FIR was lodged on 31st May, 2021. It is doubtful that the amount was transferred for the purpose of providing job to the complainant. From the nature of the allegations in the FIR, the custodial interrogation of the applicant is not necessary. Hence, I pass the following order.

ORDER

- (i) Anticipatory Bail Application No.964 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in connection with Crime No.201 of 2021 registered with Gangakhed Police Station Tq. & Dist.Parbhani, the applicant be released on bail on her executing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.

(iii) Applicant shall appear before the Investigating Officer on 25th and 26th November, 2021 at 11.00 am to 01.00 pm.

(iv) Application stands disposed of.

[PRAKASH D.NAIK, J.]

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