

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 993 OF 2021

Nitin s/o Chandrakant Jadhav

...Applicant

Versus

1. The State of Maharashtra
2. Ashish s/o Uttamchand Borse

...Respondents

...

Advocate for the Applicants : Mr. R. R. Karpe

APP for the Respondent – State : Mr. S. B. Narwade

Advocate for the informant to assist PP : Mr. Z. H. Farooqui h/f.
Mr. N. V. Gaware

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd DECEMBER, 2021

PER COURT :-

1. The applicant is apprehending arrest in Crime No. 854/2020 registered with Karjat Police Station, District Ahmednagar for the offence punishable under Sections 406, 420 of the Indian Penal Code.

2. The case of the prosecution is that the complainant learnt that digital training programme establishment having rights from ISRO is recruiting people from rural areas as agents. The

complainant approached the applicant. He was informed by applicant that he had obtained rights from Central Government / ISRO for providing digital education at concessional fees in rural area. If this project is operated in Karjat area, they would get good returns. The applicant approached the complainant on 06.01.2018 and executed notary agreement in the presence of witnesses. For the purpose of purchasing articles required for the project the complainant paid amount of Rs. 6,40,000/- by obtaining loan from Union Bank of India and transferred the said amount by RTGS on 02.02.2018 to Life Education Institute. Ashok Sabban and others had also executed said deed with the applicant. However the project did not commence. The accused gave evasive answers. The complainant had realized that the accused have cheated him.

3. The applicant preferred an application for anticipatory bail before the Sessions Court which has been rejected by order dated 18.08.2021.

4. Learned Advocate for the applicant submitted that there is no misappropriation of amount. The dispute is of civil nature. Custodial interrogation of the applicant is not necessary. He is a qualified person. He has graduated in law

and pursuing his PH.D. The applicant is willing to settle with the complainant. He had talked with other aggrieved persons and promised them that the amount would be returned.

5. Learned APP submitted that the applicant had accepted amount from various persons. Some of them have come forward. After registration of the FIR, the applicant is merely promising the aggrieved person that amount would be returned to them.

6. Learned Advocate for the complainant submitted that the applicant has deceived several persons. After the default he had executed settlement agreement with the complainant on 04.04.2021 and promised him that the amount of Rs. 12,00,000/- would be given to the complainant. Cheques were issued. The cheques were not honoured.

7. The Investigating Officer had enquired with the other accused persons and they have stated that no amount is received by them from the applicant. Promises were made that in future course the payment would be made.

8. Thus, it is clear that the applicant had accepted amount

from several persons and promises were not fulfilled. Hence and no case is made out for granting anticipatory bail.

9. Hence, I pass the following order :-

ORDER

Anticipatory Bail Application No. 993 of 2021 stands rejected and disposed of.

**(PRAKASH D. NAIK)
JUDGE**

shp/-