IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 523 OF 2021

Shankar Sitaram Singh .... Applicant

Versus

The State of Maharashtra .... Respondent

Mr. Ashok Kumar Dubey i/b. SAVJ Law Solutions for Applicant.
Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 01st MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 461 of 2020 registered with Killa Police Station, Nashik, on 24/12/2020, under sections 420 and 406 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. The First Information Report (for short 'F.I.R.) is lodged by one Tamil Periyaswami. He has stated that, he has a firm in Tamilnadu. Through his firm he used to purchase textile machines and also used to import such machines. On 13/11/2020,

one Sindhiya Mudliyar @ Kutti contacted him and sent some photographs of machines through WhatsApp. The informant decided to see those machines. Therefore, they went to Malegaon on 08/12/2020. In the meantime, he had met aforesaid Kutti at Pune. One Jahid who was Proprietor of K.M. Fabrics met them at Manmad Choufuli. They went to the factory of one Jakhotya. There he saw the machines. He gave Rs.50000/- to Kutti. The informant, K. Raja and Kutti stayed at a lodge in Malegaon. On 09/12/2020 Kutti told him that the transaction would be completed by the present applicant and he was staying at Mezban hotel. The informant and others met the applicant at that hotel. There the transaction was fixed for 36 machines at the rate of Rs.2,10,000/- per machine. The informant and others then shifted to the lodge where the applicant was staying. There are allegations that, from time to time the informant gave Rs.16,40,000/- to the applicant. Out of which Rs.10 lakhs were given in cash. The cash was handed over on 13/12/2020 in presence of K Raja and Kutti. Thereafter, on some pretext; the applicant, Kutti and Kalyarson went away and were not available for the informant. The informant realized that he was cheated and that his money was misappropriated. Therefore he lodged this F.I.R.

3. Learned counsel for the applicant submitted that, he is concerned only with Rs.40,000/- and he is willing to deposit that amount in the court. He submitted that, there is one affidavit executed by co-accused Jahid wherein there is a reference to Rs.6 lakhs having been paid to the first informant. He submitted that, in that affidavit there is no reference to the applicant's role. He submitted that one opportunity be given to the applicant to putforth his case before the police. His custodial interrogation is not necessary.

4. Learned APP relied on the statement of eye witness K Raja, in whose presence the cash amount of Rs.10 lakhs was given by the first informant to the applicant. Similarly, there is a statement of co-accused Kutti recorded during the investigation wherein also applicant's role is spelt out.

5. I have considered these submissions. The F.I.R. is specific enough as far as the applicant is concerned. There are allegations that he had accepted Rs.16,40,000/-, out of which

Rs.10 lakhs were accepted in cash. There is an eye witness in whose presence this amount was given by the first informant to the present applicant. The F.I.R. also mentions that the applicant and two others went away together without meeting the first informant and without returning his money or giving him machines. This shows his clear involvement in the offence. The applicant was not answering any calls of the first informant. In this view of the matter, there is sufficient material against the present applicant warranting his custodial interrogation. There is no merit in the application.

6. The application is rejected.

(SARANG V. KOTWAL, J.)