

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.790 OF 2021

Santosh Vishwanath Jagdale	 Applicant
versus	
State of Maharashtra	 Respondent

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- Mr.Umesh H. Pawar, Advocate for Applicant.
- Mr.Ajay Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 19th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.273/2020 registered with Bhore Police Station, on 07/12/2020 under sections 420 of the Indian Penal Code.

2. The FIR is lodged by one Dashrath Krushna Mahangare. He has stated that in October 2018, the Applicant had met him in relation with agricultural work to be carried out in the informant's agricultural land. In November 2018, the Applicant told him that he wanted to sell rice to a mall in Pune and he sought purchase of rice from the informant. The informant gave him 70 quintal of rice at the rate of Rs.55 per kg.

The total price thus was Rs.3,85,000/-. Out of which the Applicant paid Rs.35,000/- and promised to pay balance amount within a few days. The informant repeatedly went to his house, but he could not meet the informant and the Applicant's wife used to threaten the informant that she would lodge a false case for outraging her modesty. Ultimately, the informant lodged this FIR.

3. Heard Mr.Umesh Pawar, learned counsel for the Applicant and Mr.Ajay Patil, learned APP for the State.
4. Learned counsel for the Applicant submitted that the Applicant is deliberately targeted by the officers of Bhore Police Station. He submitted that the Applicant was already arrested in connection with C.R.No.270/2020 registered at the same police station on 02/12/2020 u/s 420 of IPC. For that offence he was arrested on 05/12/2020 and he was released on 07/12/2020 on bail. In another C.R.No.272/2020 dated 04/12/2020 at the same police station for similar offence u/s 420 of IPC, the Applicant was arrested on 20/12/2020 and he was released on

bail on 22/12/2020. He therefore submitted that on all these occasions, the Applicant was in their custody and Bhore police station officers were aware of pendency of FIR No.273/2020 dated 07/12/2020 and yet the police officers did not seek custody or did not arrest him though he was under their control being in their custody, which shows that they simply wanted to arrest him in connection with one offence after the other, once he was released on bail on each of them.

5. Learned counsel for the Applicant submitted that the Applicant himself had lodged an FIR at Ratnagiri Police Station vide C.R.No.312/2020 for offence punishable u/s 395, 363 and other offences. In that offence, the Applicant had made allegations against one Ganesh Shedge. The Applicant had also made allegations against the same Ganesh Shedge by giving complaint to Bhore Police Station on 30/11/2020. Learned counsel submitted that after this complaint was given, FIR was not lodged. Instead the police officers informed Ganesh Shedge, who on his own lodged the FIR vide C.R. No.270/2020. Learned

counsel submitted that Ganesh is friend of the present first informant and therefore the Applicant is obviously harassed by all these people.

6. Learned APP opposed this application. He submitted that the offence of cheating is made out and for that, custodial interrogation of the Applicant is necessary to find out the money trail.

7. I have considered these submissions. There is considerable force in the submissions of learned counsel for the Applicant, that, though the Applicant was in their custody; the Bhore Police Station officers did not seek his arrest or custody in connection with the present C.R.No.273/2020. They waited till he was released in two offences registered with their police station. There is one more factor in favour of the Applicant that the informant Dashrath Mahangare had given a complaint of similar allegations on 01/11/2020 before the same police station for same allegations, but the FIR was not lodged and suddenly after a month, when the things started moving in

favour of Ganesh, this FIR is lodged against the present Applicant, for which now the police officers want Applicant's custody. All this background, demonstrates that the Applicant is targeted and there is substance in the submissions of learned counsel for the Applicant. In this view of the matter, custodial interrogation of the Applicant would not be proper and therefore I am protecting him by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.273/2020 registered with Bhore Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)