IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1207 OF 2021

Omkar Suresh Andre ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr. Ashish Dubey i/b Madanmohan Mishra for the Applicant.
Mr. A. R. Kapadnis, APP for the Respondent-State.
API, Anita Tonde, Goregaon Police Station, present.

CORAM : SURENDRA P. TAVADE, J.

DATE : 10th MAY, 2021.

P.C. :

1. The Applicant has filed this application for pre-arrest bail in connection with C.R. No. 111 of 2020 registered with Goregoan Police Station, for the offences punishable under Sections 420, 406 read with 34 of Indian Penal Code (for short 'IPC').

2. It is alleged that the Informant had placed order of purchasing LED T.V. with Accused No.1. The Informant had visited the office of Accused No. 1. Thereafter, brother of the Informant paid Rs. 1,00,000/- to accused Ranjit as per direction of the Informant. Thereafter, the Informant paid Rs. 1,94,000/- by way of NEFT in the account of Accused No. 1. After some days, at the instance of Accused No. 1, the Informant deposited amount of Rs. 49,400/- in the

account of present Accused / Applicant Omkar Suresh Andre who was employee of Accused No. 1. It is contended that entire amount was paid to Accused No. 1, but he did not deliver the order of LED T.Vs to the Informant. On inquiry the Informant came to know that the Accused No. 1 had closed his shop two months ago and he has misappropriated an amount of Rs. 3,43,400/-,hence, the Informant lodged FIR.

3. It is the case of the Applicant that he was employee of Accused No. 1 and he has nothing to do with the transaction of the Informant. It is contended that Bank details of the Applicant was given to the Informant by Accused No. 1. It is also contended that the Applicant received Rs. 49,400/- by way of NEFT which is transferred in his account and out of which he issued cheque of Rs.22,100/- to the mother of Accused No. 1 and remaining amount was paid by cash to Accused No. 1. It is contended that the Applicant did not committed any act of fraud and misrepresentation to the Informant. He was very much present in the office when the Informant had come for inquiry. The Applicant had even taken the Informant to the office of Accused No. 1. It is contended that the Applicant is ready to co-operate with the Police. Even he ready to deposit the 50% amount which he received from the Informant.

4. The learned APP submits that the investigation is in progress. Accused No. 1 is absconding. There are some other incidents of

fraud committed by Accused No. 1. There are criminal antecedents against the Applicant therefore, his application is rejected.

5. Heard learned Counsel for the Applicant and learned APP for the Respondent-State. On going through the FIR, the role attributed to the present Applicant is that he was employee of Accused No.1 and he received amount of Rs. 49,400/- from the Informant, out of which he transferred Rs. 22,100/-in the account of mother of Accused No. 1 and remaining amount was withdrawn and paid to Accused No. 1. It is submitted that the Applicant gave his bank statement to Investigating Officer. It appears that the Applicant had no major in the entire episode of fraud committed with the Informant. The regular attendance of the Applicant will suffice the purpose of investigation. The Applicant is entitled to be released on anticipatory bail, hence, I pass the following order:

ORDER

(i) Criminal Anticipatory Bail Application is allowed and disposed of;

(ii) In the event of the arrest of the Applicant in connection with C.R.No. 111 of 2020, registered with Goregaon Police Station, the Applicant be released on bail on his executing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The Applicant shall not tamper with the prosecution witnesses whatsoever manner;

(iv) The Applicant is directed to attend the Police Station on every Monday, Wednesday and Friday between 10 a.m. to 11 a.m. till 15th June 2021.

(v) The Applicant is directed not to leave jurisdiction of Goregaon Police Station without prior permission.

(SURENDRA P. TAVADE, J.)