

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

ANTICIPATORY BAIL APPLICATION NO.1236 OF 2021

Chandrashekhar Revansiddha Shivgunde Applicant
versus
State of Maharashtra Respondent

.....

- Mr.Sharad T. Bhosale, Advocate for Applicant.
- Smt.Veera Shinde, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 02nd JULY, 2021
(Through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 175 of 2021 dated 16/04/2021, registered at Vijapur Naka Police Station, Solapur, under sections 420, 406 read with section 34 of the Indian Penal Code and Section 120-B of the Indian Penal Code.
2. Heard Mr. Sharad Bhosale, learned counsel for the applicant and Smt.Veera Shinde, learned APP for the State.

3. The FIR is lodged by one Ram Ingale. Gist of the FIR is that the applicant represented to the informant that he was knowing one Builder Rajesh Prachande and that the informant should invest his money in the project of Rajesh Prachande. The applicant induced him to enter into financial transactions with Rajesh Prachande. The informant had paid Rs. 13,03,000/-, out of which Rs.5 lakhs were returned. But there was misappropriation of Rs. 08,03,000/-. The informant had lost that amount. He was not given any flat as promised. According to the informant, the applicant and the other accused Rajesh Prachande in collusion with each other had caused this monetary loss to the informant. On this basis the FIR is lodged.
4. Learned APP on instructions stated that, out of Rs. 08,03,000/-, on 18/3/2021, Rs. 2 lakhs were transferred in the account of the first informant by Rajesh Prachande. Therefore, the amount involved in this offence remains at Rs.06,03,000/-..
5. On the last occasion, learned counsel for the Applicant

on instructions had stated that to establish his bonafides, the Applicant was voluntarily willing to deposit Rs.3 lakhs before the Court of J.M.F.C. Solapur, within four weeks from 21/05/2021.

6. Today, I am informed by learned counsel for the Applicant that this amount of Rs.3 lakhs was deposited before that Court as stated by the learned counsel.
7. Learned APP concurs with this statement. Learned counsel for the Applicant further states that the Applicant has no objection if the informant withdraws this amount from the Court, where the amount is deposited.
8. Considering this situation, the Applicant has sufficiently established his bonafides and therefore he can be protected by an order of anticipatory bail.
9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 175 of 2021 dated 16/04/2021, registered at Vijapur Naka Police Station, Solapur, 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) The informant is permitted to withdraw the amount of Rs.3,00,000/- (Rupees Three Lakhs only), which is deposited in the Court of J.M.F.C. Solapur.
- (iii) It is made clear that the rights and contentions of the parties, including the right to the amount, which is deposited by the Applicant in the Court, is specifically left open to be decided at the end of the trial.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)