IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 802 OF 2020

Vijaykumar Shripati Patil .... Applicant
Versus
The State of Maharashtra .... Respondent

Mr. Anand S. Patil, for the Applicant.
Mr. S.H. Yadav, APP for the State/Respondent.
Mr. Prashant Patil, for the complainant.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th JANUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 539 of 2020 registered at Juna Rajwada Police Station, Kolhapur on 30th December 2019 under section 420 read with 34 of the Indian Penal Code.

2. The FIR is lodged by one Ankush Aundhkar. He has stated that in January 2014, he came in contact with the present applicant. Applicant represented to him that he was working in the State Exercise Department and that he was in a position to get job for the informant and for

that purpose he demanded Rs. 19 lakhs from the informant. The applicant was continuously after the informant to pay the money. The informant transferred initially Rs.1.5 lakhs in applicant's account on 14/07/2014. From that point onwards, from time to time, he paid more money to the applicant. The allegations are that, in all, he paid more than Rs. 18 lakhs. It is alleged that the applicant returned Rs. 65,000/- from bank account of his wife but rest of the money was misappropriated. The FIR mentioned that the applicant sent one Order issued in the name of a third person through WhatsApp message and thus made a representation that even the informant would get a similar order. Ultimately no job was given to him. No order was issued in the informant's name. On this basis the FIR is lodged.

3. Heard Mr. Anand Patil , the learned Counsel for the Applicant, Mr. S.H. Yadav, the learned APP for the State and Mr. Prashant Patil, learned Counsel for the complainant.

4. The learned counsel for the applicant submitted that transaction was of the year 2014 and the FIR is lodged in the year 2019. Thus, there was gross delay in lodging of FIR. He submitted that FIR mentions that applicant has given certain cheques to the informant. Acceptance of cheques by itself shows that transaction was something else and money was not given by the informant to the applicant for procuring a job for him.

5. The learned APP as well as the learned counsel for the complainant opposed this application on the basis of averments made in the FIR.

6. I have considered all these submissions. The FIR was lodged in December 2019. The applicant approached this Court for anticipatory bail in the year 2020. In the meantime, amount was not returned. FIR mentioned that some cheques were given by the applicant. Even those cheques were dishonoured. Thus, prima facie, it does appears that informant had given

money to the applicant which was misappropriated by the applicant. There is absolutely no explanation coming forth in respect of the amount given by the informant to the applicant. There are allegations that the applicant had shown some false orders to the informant through WhatsApp messages.

7. All this indicates a pre-planning on the part of the present applicant. Therefore custodial interrogation of the applicant is necessary. The Amount involved in this case is big. The applicant has cheated informant and has misappropriated his amount. Therefore, custodial interrogation of the applicant is necessary.

8. Vide order dated 9th December 2020 (Coram: C.V.BHADANG, J.) the applicant was permitted to deposit Rs. 2 lakhs before this Court within three weeks from 9th December 2020. It was made clear that, in the event, the amount was not deposited, interim protection was to stand vacated without reference to the Court. This

amount was not deposited and interim protection has already stood vacated.

9. Considering all these aspects, the applicant cannot be protected by an order of anticipatory bail. Application stands rejected and is disposed of accordingly.

(SARANG V. KOTWAL, J.)