

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

ANTICIPATORY BAIL APPLICATION NO. 1642 OF 2021

Tushar Madhukar Deshmukh Applicant

Versus
The State of Maharashtra Respondent

Mr. Ashwin Hawelikar, for the applicant.
Smt. Anamika Malhotra, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 26th JULY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 64 of 2021 registered at Badlapur Police Station, Thane, on 22/04/2021 under sections 420, 406, 506 read with Section 34 of the Indian Penal Code.

2. Heard Mr. Ashwin Hawelikar, learned counsel for the applicant and Smt. Anamika Malhotra, learned APP for the State.

3. The FIR is lodged by one Vaishali Deshmukh. She has stated that she was knowing one Pallavi Donde since past two years before lodging of the FIR. In November 2020, Pallavi Donde requested for Rs. 2 lakhs as she had some difficulty. The informant had given her that amount. It was duly returned by Pallavi. Thus Pallavi Donde had won confidence of the first informant. On 03/12/2020, Pallavi Donde and her husband Mahendra Donde alongwith others came to the informant's shop. Pallavi Donde requested the informant to lend her ornaments as she wanted to attend a wedding. The informant reluctantly gave her some ornaments consisting of Mangalsutra, necklace and bangles. The ornaments were not returned by Pallavi Donde to the informant. On 04/12/2020, the informant came to know that Pallavi had mortgaged those ornaments with a financial company and had obtained loan to the tune of Rs. 04,52,034/-. The informant came to know that Pallavi Donde did not pay a single installment. It is further

mentioned in the FIR that in March 2021, Pallavi Donde and her husband had left Badlapur. There were other victims like the informant from whom those accused had taken some ornaments and cash amount. On this basis the FIR is lodged.

4. Learned Counsel for the applicant submitted that there is no mention of the applicant's role in the F.I.R. The allegations are that the accused persons after obtaining amount by mortgaging the informant's golden ornaments, handed over that amount to the applicant, as the applicant had told them that he would give double their amount within a short period. He submitted that, if at all, it is a separate transaction and it has nothing to do with the informant and others.

5. Learned APP opposed this application by submitting that there is a possibility that the applicant might have committed this offence in collusion with Pallavi Donde and her husband.

6. I have considered these submissions. As mentioned in the FIR the entire representations were made by Pallavi Donde. The ornaments were taken by her. The applicant was not in picture. It appears that Pallavi Donde gave that amount to the applicant on his representation that he would double that amount within a short period. This is a separate transaction. There is nothing to show that the applicant had played any part in cheating the informant. The FIR does not mention name of the applicant. Therefore, at least for investigation of this particular offence, custodial interrogation of the applicant is not necessary. He can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.64 of 2021, registered with Badlapur Police Station, Thane, 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 Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)