IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1046 OF 2022

KRUSHNAKANT RAMCHANDRA PATIL ..APPLICANT

VERSUS

THE STATE OF MAHARASHTRA ..RESPONDENT

…

Mr. T. R. Quadri h/f Ms. Zia Ul Mustafa, Advocate for the Applicant.
Ms. V. S. Choudhari, APP for Respondents-State.

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CORAM : S. G. MEHARE, J.

DATED : 24th AUGUST, 2022.

PER COURT:-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.

2. The learned counsel for the applicant would submit that the applicant is not beneficiary of the alleged transfer of money. He was just trying to make the finance available. Therefore, for the expenses the complainant has paid him Rs.50,000/-. Only to make the finance available, the applicant travel from one place to another and as and when the money was required it was sought from the complainant. The applicant was also trying his level best to make the finance available for the complainant. As per the FIR the money has been transferred to the account of the other co-

accused. Therefore, his custodial interrogation is not required.

3. The learned APP has strongly opposed the application contending that the applicant has cheated the complainant with the help of other co-accused. Under false promise to make the finance available, the applicant has extracted huge amount of Rs.2,45,000/- from the complainant. From time to time directed the complainant to deposit the amount in the account of the other co-accused. After depositing the said amount, the applicant has collected the said amount. In such a way, all the accused have systematically cheated the complainant, who was in dire need of money to restart his business. The amount is to be recovered.

4. Perused the papers placed on record. The FIR is very specific that the present applicant has promised the complainant to make the finance of Rs.30 crores available from the financers. For that purpose, he called the applicant at various places and made phone calls to the complainant informing that money is required for some documentation and other expenses. Accordingly, the complainant had deposited the amount in the account of other co-accused Vyankat Kishore by R.T.G.S. In such a way, the amount of Rs.2,45,000/- was transferred to the account of the co-accused on the direction of the present applicant. The

allegations reveal that the applicant made the dry promise to the complainant to make the finance available and under the garb of expenses he has extracted a huge amount of Rs.2,45,000/- from the complainant. The money is to be recovered. There are elements of cheating. The prosecution has good case for custodial interrogation. Hence, the application stands dismissed.

(S. G. MEHARE)
JUDGE

Devendra/August-2022