

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2848 OF 2021

Rahul Eknath Andahle and ors.	..Applicants
V/s.	
The State of Maharashtra	..Respondent

Mr.Chintamani K. Bjangoji for the Applicants.
Mr.S. R. Agarkar, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

**DATE : 7th JANUARY 2022
(Through Video Conference)**

PC.

1. By this Application, the Applicants are seeking Anticipatory Bail in connection with Investigation of Crime No.655 fo 2016 registered with City Police Station, Karad, District Satara under Section 420 r/w 34 of Indian Penal Code.

2. The complainant Hanmant Nivas Mane was working with TVS Auto Agency of Niraj Pandurang Pawar. The Applicants are also having their TVS Show Room at Chikhalthana Aurangabad. The material case is that on the request of the Applicants, the Auto agency of the complainant had initially supplied 7 Auto Rickshaws to the Applicants on credit for Rs.9,23,650/-. The agency of the Applicant had paid Rs.4,50,000/- on 27th June, 2016 and 1,50,000/- on 29th April, 2016 in the current account of the Agency of the informant. The said amount is said to be paid by Applicant No.1. Applicant No.3 also deposited Rs.25,000/- in the current account of the Agency of the Informant and the Applicants were assuring to

pay the balance of Rs.5,62,550/- which was not paid. It was under these circumstances that the complaint came to be filed which is under investigation.

3. I have heard learned counsel for the Applicant and the learned APP for the respondent State.

4. It is submitted by the learned counsel for the Applicants that the transaction was handled by Applicant No.1 and Applicant Nos.2 and 3 had no role in the matter. He also pointed out from the invoices which are produced on record, that the balance amount does not work out to Rs.5,62,550/-. It is the submission of the learned counsel for the Applicant that the amount payable is only approximately Rs.50,000/-.

5. The record discloses that on 4th December, 2021, the learned counsel for the Applicants on instructions had shown readiness to deposit the amount of Rs.5,62,550/-, under protest within two weeks. On the basis of such statement this Court has directed that the Applicants shall not be arrested which order has been continued from time to time.

6. This Application was adjourned in order to enable the learned counsel for the Applicants to take instructions, whether the said amount is paid. Today, the learned counsel for the Applicants states that the amount has not been paid within two weeks and the Applicants are not ready and willing to deposit the said amount.

7. Learned APP submitted that the Applicants are partners in TVS Show Room at Chikhalthana Aurangabad and admittedly the delivery of the Auto Rickshaw was obtained on credit.

8. It is pointed out that even Applicant No.3 has credited the amount of Rs.25,000/- in the current account of the Agency of the informant. It is submitted that the Investigation is in progress.

9. I have considered the circumstances and submissions made by the parties. Admittedly, the Applicants are the partners in Auto Agency at Aurangabad . There is no dispute that the Applicants have obtained the said Auto Rickshaws and out of the total consideration amount a part amount is paid to the Applicant Agency. The balance amount is not paid. The contention that the amount payable is only Rs.50,000/- cannot prima facie be accepted in view of the copies of the invoices produced on record. The Applicants have not complied with the statement made before this Court on 4th December, 2021.

10. Under these circumstances, I do not find that a case for grant of bail is made out. The Criminal Anticipatory Bail Application is accordingly dismissed.

(C.V. BHADANG, J.)