IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1439 of 2022

Manish Chandrakant Doshi .. Applicant
Versus
The State of Maharashtra .. Respondent

…

Ms.Neha Manish Patil for the applicant.
Mrs.Anamika Malhotra, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 15th JUNE, 2022

P.C:-

1 The applicant is accused of committing offence punishable u/s.406, 420, 504, 506 r/w Section 34 IPC in C.R.No.297/2022 registered with Oshiwara police station on 29/3/2022.

2 The complainant is one Vishal Agarwal, who narrate that he was acquainted with the applicant and in the year 2016, since he suffered a set back in his existing business, he was in search of new business. At that very time, the applicant told the complainant that he can invest in his business of distributorship of Home Appliances, which would give him good returns. Based

upon this promise, from July 2017 till January 2019, an amount of Rs. 1,14,32,957/- was transmitted in the account of the applicant through RTGS and cheques. Out of the aforesaid amount, an amount of Rs.14 lakhs was returned, is the averment in the complaint. On seeking the return of the amount, the applicant started avoiding him and on one occasion, had issued a cheque of Rs.10 lakhs, but at a later point of time, he had absconded without his whereabouts being known.

3 The lodging of the complaint resulted in invocation of Section 420 along with Section 406 and both the offences are prima facie made out.

As far as offence u/s.406 IPC is concerned, any person who, in any manner, entrusted with the property or with any dominion over property dishonestly uses or disposes off the property or misappropriates the same in violation of any direction of law, prescribing the mode in which trust is to be discharged, is alleged to be guilty of an offence of criminal breach of trust.

As per the complainant, the amount was invested by him with the applicant for being invested in the business which he was undertaking i.e. dealership of Home Appliances, but apparently, the amount was not invested, as directed. Further, as far as the offence of cheating is concerned, since the fraudulent or dishonest inducement on part of the applicant is apparent, and pursuant to this inducement, since the complainant had deposited the amount, the offence u/s.420 is also prima facie made out.

The aforesaid accusations require custodial interrogation of the applicant.

Hence, Application is rejected.

(SMT. BHARATI DANGRE, J.)