

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

ANTICIPATORY BAIL APPLICATION NO. 1534 OF 2021

Rajan Madhu

..Applicant

V/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Sidharth Karpe a/w Rahul Karpe for the Applicant.

Mr. A.R. Kapadnis , APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 29 MARCH 2022

P.C.

1. The Applicant, apprehending arrest, in connection with investigation of Crime No.35/2018 of Police Station Pimpri, District Pune, under Sections 420, 419 read with Section 34 of IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 17/01/2018 lodged by Girish Tejawani. The allegation is that, the informant was induced to invest and part with an amount of Rs.48,00,000/- on the representation that the investment shall be made in the import-export business of the applicant assuring sizable returns. The contention is that

although amount was invested, neither the same was returned, nor the returns materialized.

3. Upon hearing, learned counsel for the parties, it transpires that the informant had paid an amount of Rs.48,00,000/-to the Applicant. The record discloses that the applicant had returned an amount of Rs.17,00,000/- to respondent No.2. The applicant by order dated 24 November 2021 was directed to deposit the balance amount of Rs. 31,00,000/-. The applicant has accordingly, deposited the amount of Rs.31,00,000/- before this Court by a Demand Draft dated 1 December 2021. In view of this by an order dated 8 December 2021 interim protection was granted to the applicant. This Court had noticed that the applicant was abroad at Dubai and the statement was made by the Applicant that he would return by end of December 2021 and on his return, he would attend the concerned Police Station. The applicant was therefore directed to submit his passport before the Trial Court and not to leave the country without prior permission of Trial Court, after his return

4. Learned counsel for the applicant sought extension of the time to report to the investigating officer and to return/surrender the passport on account of the medical condition of the applicant. The learned counsel has furnished the

medical reports of the applicant which are taken on record and marked "X" for identification. The said medical report is dated 24/01/2022. The learned counsel for the Applicant submitted that the applicant had undergone surgery and was advised rest and would be returning to India by 15 April 2022. The statement so made is accepted.

5. Considering the overall circumstances and having regard to the fact that the entire payment has been made/deposited before this Court, the Criminal Application is disposed of in terms of the order dated 8 December 2021 subject to the condition that the applicant shall surrender his passport on or before 20 April 2022 and shall report to the Investigating Officer as and when required and shall co-operate with the Investigating Agency. It is made clear that in the event, there is breach of this condition, the bail is liable to be cancelled.

6. Learned counsel for the Applicant has expressed no objection for paying the amount of Rs.31,00,000/- to the Respondent No.2. In such circumstances, the amount of Rs.31,00,000/- deposited before this Court shall be paid to respondent No.2 alongwith interest, if any, on proper identification.

7. Stand over to 28 April 2022 for reporting compliance.

(C.V. BHADANG, J.)