Sayali Upasani

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1697 OF 2022

Amol Balkrushna Kaulge ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Satyaram Gaud, for the Applicant.
Mr. M. R. Tidke, APP for the State
Mr. D. T. Shinde, PSI, Pandharpur Rural, Solapur, present.

CORAM: N. J. JAMADAR, J.
DATED : 28th JUNE, 2022

ORDER:-

1. This is an application for pre-arrest bail in connection with CR No.263 of 2022, registered with Pandharpur Rural Police Station, for the offences punishable under Sections 419 and 420 of Indian Penal Code, 1860 ("the Penal Code").

2. The indictment against the applicant is that, Dnyandev Raskar (the first informant), and his friends Kiran Mahadik, Nilesh Gund and Bhimaji Dhole were in need of financial assistance to pursue their respective businesses. Mr. Atul Patil, an acquaintance of Nilesh Gund, introduced the first informant and his friends to the applicant, Amol Kaulage, who allegedly facilitated availing of loans from banks and financial institutions. The applicant allegedly represented that, he would secure the desired loan from the financial institutions based at Hyderabad and Balaji Sansthan, on interest, which was less than the bank rate. The applicant asked the first informant and his friends to get stamp-papers of Rupees Hundred denominations, 10 cheques, project report and extracts of record of rights of the agricultural land and personal identification documents. A sum of Rs.50,000/- was demanded for preparing the file. The first informant and his friends paid the said amount of Rs.2,00,000/- and delivered the documents as demanded.

3. The applicant induced the first informant to part with a further amount of Rs.14,50,000/-, and his friends to part with Rs.9,00,000/- by making false representations that the loan amount would be transferred through *Havala* operatives. The applicant thus defrauded the first informant and his friends to the tune of Rs.23,50,000/-. Realising the deception and fraud, the first informant lodged the report.

4. I have heard the learned counsel for the applicant and the learned APP for the State. I have also perused the investigation papers.

5. The learned counsel for the applicant submitted that the transaction itself was completely illegal. The first informant and his friends had agreed to avail the loan through *Havala* operatives. Moreover, the claim of the first informant and his friends that they had paid the huge amount of Rs.23,50,000/- in cash is unworthy of credence. The applicant is, therefore, entitled to the relief of pre-arrest bail.

6. I find it difficult to accede to the aforesaid submissions. It is true that the first informant claimed that the amount was paid in cash. However, the allegations in the FIR are specific. Adequate particulars of the time and place of the alleged false representation and delivery of the cash amount, consequent to inducement, are furnished in the FIR. The statements of the witnesses, recorded during the course of investigation, indicate that the allegations in the FIR warrant investigation.

7. Mr. Gaud, the learned counsel for the applicant, submitted that, in fact, the applicant had repaid the entire amount which he had availed from the first informant and his friends and there were audio and video recordings to substantiate the said claim of the applicant.

8. This stand of the applicant, in my considered view, renders the custodial interrogation of the applicant even more imperative. Custodial interrogation of the applicant seems indispensable to facilitate effective investigation and unearth the fraud in all its facets.

9. For the forgoing reasons, I am not inclined to entertain the application.

10. Hence the application stands rejected.

[N. J. JAMADAR, J.]