

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

ANTICIPATORY BAIL APPLICATION NO.1859 OF 2021

Chetan Ganesh Dharade

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. S.B.Shetye with Ms. Priyanka Chavan, Ms. Sarika Shetye, for Applicant.

Mrs. M.R.Tidke, APP, for State.

Mr. Anil Lad, EOW Alibag Present.

CORAM: N.J.JAMADAR, J.

DATE : 22nd JUNE, 2022

P.C.

1. This is an Application for pre-arrest bail in connection with C.R.No.16 of 2021 registered with Karjat Police Station for the offences punishable under Sections 420, 406, 465 and 468 of the Indian Penal Code, 1860.

2. Smt. Hiratai Dubey, who is the partner Varadvinayak Builders and Developers, lodged a report with Karjat Police Station with the allegations that in a commercial complex, which they were developing, there was a requirement of solar panel. The co-accused Prashant M. Sanse represented that he was the proprietor of M/s. Durvankur Mechtronics and would supply the solar panels. Pursuant to the said representation made by Mr. Prashant Sanse, a sum of Rs.25 Lakhs was transferred to the account of M/s. Durvankur Mechtronics towards the price of the solar panels to be supplied by Durvankur Mechtronics.

3. Mr. Prashant Sanse did not perform the said promise. Further inquiry revealed that the said Durvankur Mechtronics was a shell entity and it was not dealing in the business of providing solar panel. Hence, the first informant lodged the report of cheating and allied offences.

4. The Applicant came to be arraigned as the investigation revealed that the amount which was transferred to the account of M/s. Durvankur Mechtronics was, in turn, transferred to the account of Garuda Finance, operated by the co-accused Prashant Bankar and from the account of Garduda Finance, monies were transferred to the account of the Applicant.

5. In the backdrop of the aforesaid nature of the allegations, this Court by an order dated 12th August, 2021 was persuaded to grant interim protection. The said interim protection is continued from time to time.

6. In the intervening period, pursuant to the order dated 13th September, 2021, the Applicant has deposited a sum of Rs.2 Lakhs in the Court of Additional Sessions Judge, Panvel.

7. The learned APP submitted that though the Applicant had not made any representation to the first informant, but the complicity of the Applicant is evident from the fact that the amount has been transferred to the account of the Applicant by Garuda Finance, with which the co-accused Prashant Sanse had deposited the sum of Rs.25 Lakhs.

8. I find it rather difficult to accede to this submission. From the perusal of the material on record, it does not appear that it is the prosecution case that the Applicant made a false representation and induced the first informant to part with the huge amount. The element of deceit coupled with injury is not attributable to the Applicant. The fact that Garuda Finance, in turn, transferred the amount to the account of the Applicant, even if taken at par, is not of such incriminating tendency as to warrant the custodial interrogation of the Applicant.

8. I am, therefore, inclined to exercise the discretion in favour of the Applicant and confirm the order of interim protection. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) In the event of arrest of the Applicant in C.R.No.16 of 2021 registered with Karjat Police Station, for the offences punishable under Sections 420, 406, 465 and 468 of the Indian Penal Code, the Applicant – Chetan Ganesh Dharade, he be released on bail on furnishing a PR bond in the sum of Rs.25,000/- and one or two sureties in the like amount.

(iii) The Applicant shall co-operate with the investigation and attend the Economic Offence Wing, Alibag as and when directed.

(iv) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

(v) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(N.J.JAMADAR, J.)