

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

ANTICIPATORY BAIL APPLICATION NO.2511 OF 2021

Kailash Shankarlal Mantry Applicant
Versus
The State of Maharashtra Respondent

Mr. Satish J. Agrawal, Advocate for the Applicant.
Mr. Ajay Patil, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 05th JANUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.298/2021 registered at Arnala Police Station, Mira-Bhayandar Vasai-Virar, on 20.9.2021 under Section 420 of the Indian Penal Code.

2. Heard Shri Satish Agrawal, learned counsel for the applicant and Shri Ajay Patil, learned APP for the State.

3. The FIR is lodged by the first informant making allegations that the applicant had projected that he was in a position to treat the informant's daughter for her

Schizophrenia disease . For that purpose he extracted Rs.9 Lakhs on various occasions. However, his claim was false. The daughter of the victim was not treated and based on this false inducement the informant lost money. On this basis, the FIR is lodged.

4. Learned counsel for the applicant submitted that the actual amount taken was Rs.6 Lakhs and not Rs.9 Lakhs. It was also recorded in the order dated 29.10.2021 passed by a co-ordinate bench of this Court. In that order, the applicant's submission that actual amount was Rs.6 lakhs; was recorded. The order also records that the applicant had undertaken to deposit that amount of Rs.6 Lakhs with the investigating officer.

5. Learned APP, on instructions, states that the applicant has deposited Rs.6 Lakhs with the investigating officer and he has co-operated with the investigation.

6. Learned counsel for the applicant, on instructions, states that the applicant does not have objection if that amount is paid to the first informant by protecting rights of the applicant to be decided at the end of the trial. Considering

the statements made by both the parties, I am inclined to allow the application.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.298/2021 registered with Arnala Police Station, Mira-Bhayandar Vasai-Virar, the applicant is directed to be released on bail on his furnishing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The amount deposited by the applicant with the investigating officer shall be given to the first informant. It is made clear that the applicant's all rights to this amount shall be decided only at the end of the trial and the amount is given to the first informant with such understanding. It is further made clear that the informant shall be bound to obey the order of the trial Court in respect of the said amount of Rs.6 Lakhs. The trial court shall decide that issue at the conclusion of the trial.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2022.01.06
18:17:31
+0530