

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3098 OF 2021

Yogesh Bharat Shahane and Anr. ..Applicants

V/s.

The State of Maharashtra ..Respondent

SNEHA
NITIN
CHAVAN

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Mr. Satyajee Dighe for the Applicants.

Mr. R.M. Pethe, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 1 FEBRUARY 2022
(Through Video Conferencing)

P.C.

1. The Applicants apprehending their arrest in connection with the investigation of Crime No.623 of 2021 registered with Nashik Taluka Police Station, Dist. Nashik under Section 406, 420 read with Section 34 of I.P.C. are seeking pre-arrest bail.

2. The Applicants are real brothers. The aforesaid crime is registered on the basis of the complaint lodged by Chetan Gaikwad, who is an agriculturist from village-Girnare, District-Nashik. He states that in the year 2021, he had taken the crop of tomato and as in the relevant year tomato was getting good price,

there were several traders, who were visiting Girnare market for purchase of tomato. According to the informant, on 24.11.2021, the trader Madhav Vilas Mhatre had met him and had purchased 50 carats of tomato worth Rs.31,450/- which was unloaded by his associates Arun Gupta and the present Applicants. One Prakash Patil made measurement of tomato and one Rakesh Gosavi gave a receipt of Gupta Vegetables for Rs.31,450/-. According to the informant, he was assured that the amount would be paid. However, the same was not paid, inspite of the informant trying to contact Madhav Mhatre on 25.11.2021 and thereafter.

3. I have heard the learned counsel for the Applicants and the learned APP.

4. The only contention raised on behalf of the Applicants is that the Applicants were working as labourers in Girnare market and had unloaded tomato and except this, they have no other role.

5. The learned APP pointed out that the Applicants are traders, who are part of a large group of traders, who after purchasing the agricultural produce, have failed to pay the price to the farmers/agriculturists. He pointed out that in the investigation, it is disclosed that apart from the first informant,

there are several agriculturist, who have been cheated for an amount of Rs.30,83,516/-

6. A specific query was made to the learned counsel for the Applicants as to whether the Applicants have made out a case that they are labourers or *Mathadi* workers working in Girnare market. The learned counsel for the Applicants in all fairness submitted that the application does not state that the Applicants are labourers. The Investigating Officer prima facie has found material to show that all these traders was acting in connivance with each other and apart from the first informant, there are other agriculturists, also who have been allegedly cheated and amount involved is in excess of Rs.30 lakhs. If that be so, the proper investigation in the matter is paramount consideration at this stage, for which, the custodial interrogation of the Applicants is necessary.

7. The Criminal Application is rejected.

(C.V. BHADANG, J.)