

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

**ANTICIPATORY BAIL APPLICATION NO.3186 OF 2021**

Rajesh Chandrakant Pithadia .... Applicant

versus

State of Maharashtra .... Respondent

.....

- Mr.Vijay Jha i/b. Indra Shyadri Redkar, Advocate for Applicant.
- Smt. J. S. Lohokare, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.**  
**DATE : 03<sup>rd</sup> JANUARY 2022**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No.200/2019 registered with Jogeshwari Police Station dated 15/11/2019, under sections 406, 320, 34 of the Indian Penal Code.

2. Heard Mr.Vijay Jha, learned counsel for the Applicant and Smt.J. S. Lohokare, learned APP for the State.

3. The FIR is lodged one Chandrakant Salunkhe. He has stated that his classmate Rajendra Shivaji Shelar was having a

charitable institution at Nerul, Navi Mumbai. The informant was introduced by Rajendra Shelar to one Dr.Usha Mehta. He was told that she was helping some charitable trusts in getting donations from private companies. On 09/10/2018 Dr.Usha Mehta introduced the informant and his friend Rajendra to Bharat Hathiyani, Ishwar Parmar and the present Applicant. In that meeting, Bharat Hathiyani told Rajendra Shelar that they would help him in getting private donations, but for that, they required Rs.10 lakhs as booking amount. By way of security, Bharat Hathiyani gave a cheque of Rs.10 lakhs to the first informant. Believing his word, the first informant gave Rs.10 lakhs to Bharat. After taking that money Bharat started avoiding the first informant and his friend. He kept on making false promises. The informant deposited the cheque given by Bharat Hathiyani. It was dishonoured. He realized that he was cheated and thus the FIR was lodged.

4. Learned counsel for the Applicant submitted that the main accused Bharat Hathiyani was granted anticipatory bail by

the Additional sessions Judge, vide order dated 30/12/2019. The Applicant does not have any role to play in the entire transaction and there are no allegations against him.

5. Learned APP submitted that the said Bharat was granted bail on the basis of consent terms which were not honoured by him. She submitted that the informant has not approached the police after that and had made no grievance and that there is no further progress in the investigation. She submitted that the Applicant should co-operate and give details of accused Bharat Hathiyani.

6. I have considered these submissions. From the FIR it is clear that the Applicant had no role to play in the entire transaction. He was merely present at the time when inducement was made by Bharat Hathiyani. Money was accepted by Bharat. Cheque given by him was subsequently dishonoured. The present Applicant cannot be held responsible for the actions of main accused. Since there are no serious allegations against the Applicant, his custodial interrogation is

not necessary. The Applicant can be protected by an order of anticipatory bail. However, he will have to co-operate with the investigation.

7. Hence, the following order :

**ORDER**

- (i) In the event of his arrest in connection with C.R.No.200/2019 registered with Jogeshwari Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**