

Darshan Patil

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

ANTICIPATORY BAIL APPLICATION NO.3403 OF 2022

DEEPAK MAHADEV MHASKAR	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Cushar A. David for applicant.
Ms. A.A. Takalkar, for APP for State

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 9, 2022.

P.C. :

1. This is an application for pre-arrest bail in respect of the offence registered with Vasai Police Station vide C.R. No.0019 of 2022 for the offence punishable under Sections 420, 406 of the Indian Penal Code, 1860.

2. It is the allegation of the informant that sometime in the year 2019 the applicant promised to help her in investing Rs.6,00,000/- in the share market so that she can earn significant returns. It is alleged by the informant that the said amount was neither invested nor was returned. Learned counsel for the applicant submitted that out of the

amount of Rs.6,00,000/- an amount of Rs.1,47,000/- is already returned by him. Learned counsel for the applicant submitted that the applicant's intention was not to cheat or defraud the complainant. Due to financial difficulties he did not get the profits from the amount invested on behalf of the complainant.

3. The applicant has filed an affidavit dated 09/12/2022, undertaking to return the balance amount of Rs.4,53,000/- within a period of 6 months from today. The affidavit is taken on record. The statement made in the affidavit is accepted as an undertaking to this Court. The learned counsel for applicant further submits that the applicant will pay interest at 7.5% per annum from August-2020 till the entire amount is paid. Statement is accepted. This is without prejudice to the rights and remedies which the informant has under civil laws. Hence the following order.

ORDER

(A) In the event of arrest in the offence registered with Vasai Police Station vide C.R. No.0019 of 2022, applicant- Deepak Mahadev Mhaskar, shall be released on bail on furnishing P.R.

Bond of Rs.25,000/- with one or two sureties in the like amount.

(B) The applicant shall report to the concerned police station on 13th and 14th day of every month, between 11.00 a.m. and 1.00 p.m. and thereafter, as and when called.

(C) The applicant to abide by the conditions mentioned in the affidavit-cum-undertaking dated 09/12/2022 filed in this Court.

(D) It is made clear that the applicant should strictly abide by the conditions of the undertaking. If it is noticed that the applicant has not complied by the undertaking and if such default is brought to the notice either by the informant or by the prosecution, he may expose himself to cancellation of the Anticipatory Bail granted.

(E) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(F) The applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

4. The application is disposed of.

(M. S. KARNIK, J.)