

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

ANTICIPATORY BAIL APPLICATION NO. 1682 OF 2023

Mr. Mahesh Bhausaheb Kadus Patil	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Kalpesh U. Patil for the Applicant.
Ms. A.A. Takalkar, APP for the State.
Mr. S.M. Katkar for the original complainant.
Mr. Machindra M. Rajage, Velapur Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 16th JUNE, 2023.

P. C. :-

. The Applicant apprehends his arrest in C.R.No.117/2023 registered with Velapur Police Station, Solapur Rural for offences punishable under sections 406, 420 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by Sangramsingh Prataprao Dupade. The facts narrated in the FIR prima facie reveal that the Applicant had assured the first informant and others that he would arrange a study tour to Israel. The first informant claims that he had paid to the Applicant a sum of Rs.1,60,000/- and that the Applicant did not take any steps to take him to Israel. A perusal of the records prima facie reveal that the Applicant had booked air tickets on 10/05/2022. The Applicant had also applied for visa which was rejected

on 17/05/2022. By notice dated 24/02/2023, the Complainant had informed the Applicant that his visa was rejected and directed him to submit additional documents. It is also not in dispute that the Applicant had refunded an amount of Rs.32,000/- to the first informant on 09/03/2023. None of these facts are reflected in the FIR. It appears that the first informant had got the crime registered by suppressing the material facts.

3. Having considered the material on record, in my considered view, prima facie offence under cheating and misappropriation is not made out. Hence, this is a fit case to exercise discretion under section 438 of Cr.P.C. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.117/2023 registered with Velapur Police Station, Solapur Rural, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for two days i.e., on 19/06/2023 and 20/06/2023 between 11:00 a.m. to 02:00 p.m.

(c) The Applicant shall not interfere with the prosecution witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

4. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)