

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

ANTICIPATORY BAIL APPLICATION NO.91 OF 2023

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Harsh Manish Sanghani ..Applicant

VS.

The State of Maharashtra ..Respondent

Adv. Sudeep Pasbola a/w Mr. Sudhir Bhardwaj a/w Adv. S. C. Mishra, Adv. Ayush Pasbola, Adv. Sharvi Khot and Adv. Divya Singh for the Applicant.

Mr. S. V. Gavand, APP for the State.

API Bhairavnath Patil, Tardeo Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 30, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 409 and 420 of the Indian Penal Code, 1860 in connection with C.R. No.121 of 2022 dated 17/03/2022 registered with Tardeo Police Station.

3. The FIR is filed by the complainant – Shri Milan Jaswantlal Seth. The complainant is the uncle of the present applicant. The applicant suggested to the complainant that

he should invest money in a hotel business which would fetch good returns. The partnership deed came to be entered into between the applicant and the complainant whereby they agreed to share the profit equally. The applicant was to conduct the hotel business. The complainant paid a sum of Rs.60 lakhs to the applicant. The partnership deed is dated 25/09/2018. It is the allegation of the complainant that the applicant was not responding to his phone calls. The complainant and his wife therefore visited the hotel in which the said amount was to be invested. The complainant was shocked to be informed that the applicant was previously working only as an employee in the hotel and he was not the one who was operating the business. Hence, the complaint of cheating came to be filed.

4. Learned counsel for the applicant submitted that the applicant invested the entire amount in the business and to support his contention relied upon various statement of accounts and also the share purchase agreement which is at page 74 of the paper book. It is the contention of learned counsel for the applicant that the business suffered losses

and there was no intention to cheat the complainant. To show his bonafides, learned counsel for the applicant on instructions submitted that the applicant is willing to deposit a sum of Rs.30 lakhs with the jurisdictional Magistrate within a reasonable time.

5. Having regard to the nature of the accusations, in my opinion, the custodial interrogation of the applicant is not required. The applicant to co-operate with the investigation and abide by the statement made that he would deposit a sum of Rs.30 lakhs.

6. Learned counsel for the applicant on instructions submits that a sum of Rs.5 lakhs will be deposited during the course of this week and the balance amount of Rs.25 lakhs will be deposited within a period of 4 months from today. The statement is accepted as an undertaking to this Court.

7. Hence, the following order :-

ORDER

(a) Application is allowed.

(b) In the event of arrest in connection with C.R. No.121 of 2022 registered with Tardeo Police Station, the applicant-Harsh Manish Sanghani shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall report to the concerned police station on 02/02/2023 and 03/02/2023 between 11.00 a.m. and 1.00 p.m.

(d) The applicant to co-operate with the Investigating Officer.

(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 the details of his residential address and phone number to the investigating officer.

(g) The applicant to abide by the statement made.

8. The Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)