

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

ANTICIPATORY BAIL APPLICATION NO.113 OF 2023

Ganesh Dattatraya Jagdale ...Applicant

Versus

The State of Maharashtra and Anr. ...Respondents

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Mr. Anant Vadgaonkar for the Applicant.

Mrs. S.S. Kaushik, APP for Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 24th MARCH, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.PC. filed by the aforesaid Applicant apprehending his arrest in Crime No. 501 of 2022 registered with Vijapur Naka Police Station, Solapur, for the offence punishable under Section 420 r/w. 34 of the IPC.

2. Heard Mr. Vadgaonkar, learned counsel for the Applicant and Mrs. Kaushik, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. A perusal of the FIR reveals that the first informant is the proprietor of M/s. J.M. Aluminum and Glass at Solapur. He is in the business of sale of aluminum windows, partition, doors and glass items, etc. The first informant has alleged that some time in the month of July-2020 the Applicant had given him the phone number of co-accused Karan Bothara and told him that he is also in the same business. The first informant contacted with co-accused Karan Bothara and placed an order for several items worth Rs.2,76,302/-. It is stated that said Karan Bothara did not supply the material under the pretext of lockdown due to Covid-19 pandemic. The Applicant refused to supply the goods or repay the said amount even after lifting of the lockdown. The first informant therefore lodged the FIR alleging that he has been cheated.

4. The only allegation against the Applicant herein is that he had given the phone number of the co-accused- Karan Bothara to the first informant. There is no prima facie material to show that the Applicant herein was involved in cheating the first informant. He is not a beneficiary of the transaction between the first informant and said Bothara.

5. Considering the above facts and circumstances, in my considered view this is not a case, which would justify custodial

interrogation. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.501 of 2022 registered with Vijapur Naka Police Station, Solapur, the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.20,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the concerned Investigating Officer for a period of two days from 27/03/2023 between 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer;
- (iii) 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.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)