

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

ANTICIPATORY BAIL APPLICATION NO. 802 OF 2023

Vipul Lalji Kanzariya ...Applicant

vs.

The State of Maharashtra ...Respondent

Ms. Neeta Karnik - Advocate for the Applicant

Mr. H. J. Dedhia - APP for the Respondent-State

PSI Ranjit Walake – Narpoli Police Station, Bhiwandi

CORAM : S. M. MODAK, J.

DATE : 21st MARCH, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP. Oral prayer to amend the prayer clause is granted. Instead of Kasarvadavli Police station, it be corrected as Narpoli Police Station in the prayer clause. Amendment to be carried out forthwith.

2. On the complaint of the owner Satish Purohit of the shop, Narpoli Police Station have registered an offence under Sections 406, 420, 465, 467, 471 read with 34 of the Indian Penal Code against in all five persons. The present Applicant is accused no.

4. The sum and substance of the allegation is these accused persons were earlier doing business of selling of mobiles but they were

suffering losses. They intend to restart the business. The first informant is owner of the shop. These accused persons assured him of good return of Rs. 10 Lakhs per month and in turn the first informant allowed them to use the shop for purpose of selling of mobile.

3. Initially, they have abided to the promise, however subsequently he realized that accused are not loyal. The first informant audited the accounts from the Chartered Accountant and he noticed difference of Rs. 72,12,357/-. When confronted, the accused had confessed about their act and accordingly, MOU was executed on 26/08/2020. Its copy is filed on record.

4. In spite of written assurance, the accused persons though initially abided to the promise later on, again they have started old tactics. Again first informant realized that the accused persons have started the business in adjoining shop after closing business in the shop of the first informant. On this background F.I.R. came to be lodged.

5. After going through FIR, it does not reveal that there is specific role alleged against the Applicant except sitting in the shop along with other accused. Even MOU is not signed by the Applicant.

It means to say that there was no understanding of giving certain responsibility on the Applicant. In view of that Applicant deserves to be granted anticipatory bail. Hence following Order:-

ORDER

- (i) Anticipatory bail application is allowed.
 - (ii) In case of arrest in connection with C.R. No. 796 of 2022 registered with Narpoli Police Station for the offence punishable under Sections 406, 420, 465, 467, 471 read with 34 of the Indian Penal Code, the Applicant be released on furnishing Personal Bond and Surety Bond in sum of Rs. 25,000/-.
 - (iii) Applicant is directed to give attendance to the Narpoli Police Station, Thane on first and third Friday from 10.00 a.m. to 12.00 noon until filing of the charge-sheet.
6. Anticipatory bail application accordingly disposed of.
7. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

[S. M. MODAK, J.]