

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1146 OF 2023**

Dhananjay Suresh Shitole

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

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Mr. Shriram Kulkarni a/w Mr. Pankaj Khatavkar for the Applicant.

Mr. Amit Palkar, APP for the State.

Mr. Rupesh Zade for the Respondent No. 2.

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CORAM : N.R. BORKAR, J.

DATED : 20 APRIL 2023

P.C. :-

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 291 of 2023 registered at Yavat Police Station, Pune for the offences punishable under Sections 406, 420 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State and the learned counsel for the respondent-complainant.

4. The allegations against the present applicant are of cheating. However, it appears that the complainant had paid the alleged amount of

Rs.23,00,000/- to the applicant pursuant to certain commercial transaction between them.

5. The learned counsel for the applicant submits that the applicant, who is in business of import and export since last 8 years, has received Rs.8,50,000/- from the complainant towards the transaction of export of certain goods. It is submitted that pursuant to said transaction the complainant has received the amount from exporter to whom goods were sent, however, the complainant has suppressed the said fact in FIR. It is submitted that still the applicant without prejudice to his rights is willing to deposit an amount of Rs. 8,50,000/- before this Court.

6. Prima facie, the nature of dispute between the parties appears to be of civil nature. I am therefore inclined to grant anticipatory bail to the applicant. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in Crime No. 291 of 2023 registered at Yavat Police Station, Pune for the offences punishable under Sections 406, 420 of the Indian Penal Code, he shall be released on bail on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.
- (iv) The applicant shall deposit the amount of Rs. 8,50,000/- before the trial court.

(N.R. BORKAR, J.)