IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1197 OF 2023

Sanjay Pandharinath Patil Padghan ...Applicant
vs.
The State of Maharashtra ...Respondent

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Mr. A.R. Sutrale, for the Applicant.

Mr. R.M. Pethe, APP, for the Respondent State.

Mr. Tonde, P.I., Charkop Police Station.

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CORAM : ANUJA PRABHUDESSAI, J.

DATE : 27 APRIL 2023

P.C. :

The Applicant seeks pre-arrest bail in Crime No.48 of 2023 registered with Charkop Police Station, Mumbai for offences punishable under Sections 406, 420 r/w 34 of IPC.

2. Heard Mr. A.R. Sutrale, learned Counsel for the Applicant and Mr. R.M. Pethe, learned APP for the Respondent State. I have perused the records and considered the submissions advanced by learned Counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Pooja Vichare. The First Informant is the Proprietor of M/s. Heramb Creation Pvt. Ltd. She is in the business of selling wholesale readymade garments to several companies, societies, schools, etc. One Rohan Wadkar had assured her that he had good contacts and would help in marketing the products. He used to help her in getting customers, placing orders, recovering money, etc. Since October 2019, said Rohan Wadkar stopped giving her the money received from customers despite which he would constantly place orders for garments. He told the First Informant that several persons from the sports field such as Sanjay Patil, Ritik Dhawal, Jitesh Tunk Prakash, Shekhar, etc. were interested in purchasing sports garments. She supplied several garments to Rohan Wadkar but he did not pay the amount.

4. The First Informant has stated that the Applicant herein had visited her office and placed order for garments. The co-accused Rohan Wadkar introduced him as a cricket coach and told the First Informant that he was in financial constraint due to lock-down but would pay the money. She has stated that the Applicant herein sent her the photographs of the cheque on whatsapp and told her that he would deliver the cheque on the next date. Relying on the said statement, she supplied the garments. The Applicant did not make the payment, despite his assurance to pay the money within 15 days.

5. In the month of December 2020, the Applicant once again

placed order for more garments. Rohan Wadkar assured her that he had not received the money from the customers and that the Applicant would pay the money immediately. She claims that she had delivered to the Applicant garments worth Rs.7, 41,449/-. She claims that the Applicant neither issued the cheque, photo of which was sent on the whatsapp, nor did he pay any cash. She has stated that in the same month, another person by name Ritik Dhawal informed her that he is the friend of Rohan Wadkar and he is a cricket coach and took from her garments worth Rs.1,82,553/-. He assured to pay money to Rohan Wadkar, but failed to pay the same. The First Informant learnt that the Applicant Sanjay Patil was not a cricket coach but he was Estate Agent. Similarly, Ritik Dhawal was not a cricket coach but was a rickshaw driver.

6. The FIR prima facie reveals that the Applicant had visited the office of the First Informant and had claimed to be a cricket coach, though in reality, an estate agent. He had placed order for garments and had gained confidence of the First Informant by sending her photograph of his cheque on her whatsapp. The FIR prima facie reveals that Rohan Wadkar, the Applicant and others have deceived the First Informant by claiming that they were from the sports field and induced her in delivering garments worth more than Rs.2 crores and have thereby cheated her to the tune of two crores. The matter needs thorough investigation, which is possible only by custodial interrogation. In such circumstances, no case is made out to exercise

discretion under Section 438 of Cr.P.C.

7. Hence, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)