

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1203 OF 2023

Vinod Ramesh Khare & Anr. ... Applicants

V/s.

The State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO.2421 OF 2023

IN

ANTICIPATORY BAIL APPLICATION NO.1203 OF 2023

Govindraj Papabhatani ... Applicant

In the matter between

Vinod Ramesh Khare & Anr. ... Applicants

V/s.

The State of Maharashtra ... Respondent

Mr. Rishikesh Ajit Mohite for the applicants.

Mr. Kuldeep Patil i/by Mr. Ranjeet Patil for the
intervener.

Mr. Pandurang H. Gaikwad, APP for the
respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 5, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.184 of 2022 registered with Khandeshwar Police Station, New Mumbai, District Raigad dated 5th July 2022 for offences punishable under section 420 read with section 34 of the Indian Penal Code, 1860, the

applicants are seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. According to the prosecution, in March 2019 applicants approached the informant stating that they got work of construction for Dosti Builders. The work order was to the tune of Rs.20 Crore. It was told to informant that initial investment required of Rs.1 to 2 Crore. The applicants persuaded the informant to invest amount of Rs.95,43,942/-. Out of the said amount, the applicants paid amount of Rs.46,10,000/-. The total amount due from the applicants was to the tune of Rs.68,23,942/-.

3. The applicants, therefore, filed application before the Sessions Judge. Paragraph 10 of the order of the Sessions Judge records that the applicants sought adjournment of the application from 8th July 2022 till the date of order i.e. 13th April 2023.

4. On perusal of the material on record, it appears that out of total amount of Rs.74,50,000/- paid to the applicants, prima facie he has transferred amount of Rs.49,34,000/- in favour of his wife and amount of Rs.70,19,000/- in favour of his relative Vinod. Therefore, prima facie it appears that the amount received by the applicants was not utilized for the purpose of completion of project but the amount was utilized somewhere else. Prima facie, it appears that on the date of making promise, the applicants were aware that he would not be in a position to repay the entire amount. Therefore, the applicants are not entitled any relief under section 438 of the Criminal Procedure Code, 1973.

5. The anticipatory bail application is, therefore, rejected.

6. In view of disposal of the anticipatory bail application, nothing remains to be adjudicated in the interim application. The same stands disposed of.

(AMIT BORKAR, J.)