

AGK

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

ANTICIPATORY BAIL APPLICATION NO.1398 OF 2023

Ashish Kumar Jadhav

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Pranav H. Bhoite for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

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CORAM : AMIT BORKAR, J.

DATED : JUNE 30, 2023

PC.:

1. Apprehending arrest in connection with C.R. No.257 of 2023 registered with respondent No.1 for offence punishable under Sections 420 and 506 of the Indian Penal Code, 1860, the applicant is seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. According to prosecution, one Nitin Khandagale, who is friend of informant's son Abhijit told him that he know the applicant who gets loan sanctioned and charges fee for it. Accordingly, Nitin introduced the informant and his son to the applicant, who told them that he will get them loan sanctioned from the society and charge Rs.30,000/- for the loan of Rs.5 lakh. The informant requires Rs.10 lakh so applicant told him that his charges would be Rs.60,000/-. Accordingly, applicant paid

Rs.60,000/- in cash on 10 February 2023. The applicant told that they will receive the money within two or three days. At that time, the applicant took his signature on blank papers and two cheques of Rs.5 lakh each. Till date, he has failed to repay the amount of Rs.60,000/- and threatened the informant. He, therefore, lodged a report.

3. Learned APP, on instructions, states that there are ten similar victims from whom the applicant has taken amounts. According to applicant, he has settled with five of the victims. However, that settlement will have no consequence with the acts allegedly done. It appears that the applicant had engaged with victims in similar manner.

4. On 10 May 2023, a coordinate Bench of this Court recorded a statement on behalf of the application that the applicant requires one month's time to make arrangement to deposit sum of Rs.5 lakh towards the amount of applicant and similarly placed other victims. However, the said amount has not been deposited till today.

5. According to the learned advocate for the applicant due to miscommunication the coordinate Bench of this Court wrongly recorded amount of Rs.5 lakh. According to the applicant, the amount is much less and he intended to deposit amount of Rs.1,05,000/-.

6. It is well settled that in case of incorrect recording of facts, only remedy for a litigant is to approach same Bench within reasonable time. This statement was recorded on 10 May 2023.

This Court re-opened after summer vacation on 5 June 2023. From 5 June 2023 till 30 June 2023, no efforts are taken by the learned advocate for the applicant to get the order modified. Therefore, on 30 June 2023 it does not lie in the mouth of the applicant that such statement was recorded incorrectly.

7. However, considering the position brought on record by the investigating officer that similar kind of transaction have been entered into with other ten victims, settlement with five victims is of no consequence as regards the offence which is allegedly committed by the applicant. Such conduct of the applicant does not deserve discretionary relief under Section 438 of the Criminal Procedure Code, 1973.

8. The anticipatory bail application, therefore, stands rejected. No costs.

(AMIT BORKAR, J.)