



Sayali Upasani

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

**ANTICIPATORY BAIL APPLICATION NO. 2506 OF 2023**

Tarun Kishor Varma ...Applicant

**Vs.**

The State of Maharashtra and Others ...Respondents

Mr. Dravidar B. T., for Applicant.

Mrs. Geeta P. Mulekar, APP for State.

Mr. Darade Bharat, API, Borivali police station, present.

**CORAM:- N. J. JAMADAR, J.**

**DATED:- 3<sup>rd</sup> OCTOBER, 2023**

**PC:-**

- 1) Heard the learned counsel for the applicant and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 227 of 2023, registered with Borivali Police Station, for the offences punishable under Section 406 and 420 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

- 3) The indictment against the applicant is that the applicant had induced the first informant to part with a sum of Rs.15,25,000/- by making a false representation that the applicant would sell a BMW car. The applicant however neither delivered the car, as promised, nor returned the amount.
- 4) The learned Counsel for the applicant submitted that the first informant has invested the amount in the business of sale and purchase of cars. In fact, the first informant had paid a sum of Rs. 9,00,000/- only out of which Rs.5,00,000/- was returned by the applicant. He had also paid interest on the amount to the first informant.
- 5) Attention of the Court was invited to the statement of account Exhibit - B to the application.
- 6) The learned APP submitted that another offence has been registered against the applicant at Borivali police station, involving identical allegations.
- 7) The material on record prima facie indicates that there have been transactions between the applicant and the first informant. An amount of Rs. 5,00,000/- seems to have been returned by the applicant to the first informant on 8<sup>th</sup> November, 2023. The question as to whether the intention of the applicant was

dishonest since the inception of the transaction or it was case of failure to perform the promise, would be a matter for adjudication.

8) The learned Counsel for the applicant submitted that the applicant to show his bonafides is willing to deposit a sum of Rs.5,00,000/-.

9) In the aforesaid view of the matter, I am inclined to exercise the discretion in favour of the applicant.

10) Hence, the following order.

**ORDER**

I) The applicant shall deposit a sum of Rs. 5,00,000/- in the Court of learned Metropolitan Magistrate, Borivali within a period of two weeks from today.

II) Subject to aforesaid deposit, in the event of arrest of the applicant in connection with C.R. No. 227 of 2023, registered with Borivali Police Station, for the offences punishable under Section 406 and 420 read with Section 34 of Indian Penal Code, 1860, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

- III) The applicant shall co-operate with the investigation and attend Borivali Police Station, on every Saturday in between 10.00 am to 1.00 pm for a period of one month.
- IV) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.
- V) The amount to be deposited by the applicant in the Court of learned Magistrate shall abide the final order, which may be passed by the Court in the prosecution arising out of CR No. 227 of 2023.
- VI) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.
- VII) The application stands disposed.

[N. J. JAMADAR, J.]