



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2865 OF 2023**

Sunil Mansukh Goyal

... Applicant

versus

The State of Maharashtra and Anr.

... Respondents

Ms. Ankita Upadhyay with Mr. Ajay Dube and Madanmohan Mishra, for Applicant.

Mr. S.H.Yadav, APP for State.

Mr. Ganesh Bhujbal i/by Mr. B.D.Shinde, for Intervener.

CORAM: N.J.JAMADAR, J.

DATE : 4 DECEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.242 of 2023 registered with Thane City (Central) Police Station for the offences punishable under Sections 406, 420 of the Indian Penal Code.
3. The first informant deals in the business of electricals. The applicant also deals in the business of electricals under the name and style of Shiv Enterprises at Badlapur. Mr. Deepak Jadhav introduced the applicant to the first informant. On the representations of the applicant, the first informant claimed to have delivered electrical goods worth Rs.11,45,887/- during 1 March 2023 to 16 March 2023. The applicant had drawn cheques towards the price of the said goods. Those cheques were, however, dishonoured on presentment. Upon enquiry, it transpired that the

applicant had shut the business and had deceived many persons dealing in the said business. Hence, the report.

4. Learned Counsel for the Applicant submitted that the applicant had purchased goods worth Rs.6,75,000/- only. The applicant is ready to repay the said amount in installments; the first installment of Rs.50,000/- and the rest of Rs.10,000/- per month. As the dispute is purely of civil nature and the applicant bona fide desires to repay the amount, no fruitful purpose would be served in depriving the personal liberty of the applicant, submitted the learned Counsel for the Applicant.

5. In the backdrop of the nature of the allegations, the question as to whether the intention of the applicant was dishonest since the inception of the transaction or it was a mere failure to perform the promise and pay for the goods purchased by the applicant would warrant consideration.

6. Ordinarily, this Court, having regard to the nature of the transaction and the punishment the offence under Section 420 entails, would have exercised the discretion in favour of the applicant.

7. However, the investigating agency has brought material on record to indicate that the applicant has deceived as many as 10 traders, apart from the first informant, to the tune of Rs.75,46,952/- by adopting the same *modus operandi* during the relevant period. The Investigating Officer has recorded the statements of those traders, who have been duped in an identical fashion. Perusal of those statements

would indicate that the applicant had induced those traders to deliver the goods by offering deferred payments in the form of cheques, and, subsequently, those cheques were dishonoured on presentment. A continuous course of deception where a number of traders are induced to deliver the goods in a relatively short span of time and the cheques drawn towards payment of the price of the goods have all been dishonoured, prima facie, indicates a dishonest design.

8. Prima facie, it appears that the intention of the applicant, if considered in the light of the number of victims and the quantum of the amount defrauded, was dishonest. The release of the applicant on pre-arrest bail would, therefore, jeopardise the interest of fair and effective investigation and that of the victims. Custodial interrogation of the applicant is warranted to unearth the fraud in all its facets, ascertain the money trail and the beneficiaries thereof. I am, therefore, not inclined to exercise the discretion in favour of the applicant.

9. Hence, the following order :

ORDER

- (i) The application stands rejected.
- (ii) It is, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR, J.)