

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 930 OF 2022**

Moulasab Hasansab Kolhar @

Moulasahab Hasansab Kolhar

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

**WITH
INTERIM APPLICATION NO. 4343 OF 2022
WITH
INTERIM APPLICATION NO. 2401 OF 2022**

.....

Ms Rui Danawala i/b Mr. Umesh Mankapure for the Applicant.

Ms Veera Shinde, APP for the State.

Mr. Sagar Tilak i/b Mr. Sachin Hande for the Respondent No. 2.

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CORAM : N.R. BORKAR, J.

DATED : 30 JANUARY 2023

P.C. :-

This is an application under Section 438 of the Code of Criminal Procedure.

2. On 7 April 2022, this Court passed the following order:

“ The Applicant, apprehending arrest, in connection with the investigation of Crime No.60 of 2022 registered with Vishrambag Police Station, under Section 420 of Indian Penal Code, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 8 February 2022 lodged by Rajan Vijay Chavan who is dealing in securities in stock market. The allegation is that the informant had paid

an amount of Rs.75 Lakhs over a period of time to the Applicant, as the Applicant had assured the informant to double the amount within a short time, upon investing the amount in the stock market. The allegation is that the neither the amount is returned nor the returns have materialized.

3. Heard learned counsel for the parties.

4. It is submitted by the learned counsel for the Applicant that only an amount of Rs.41,30,000/- is received in the account of the Applicant by bank entry. The learned counsel for the Applicant has disputed the receipt of the amount of Rs.33,70,000/- in cash. She points out that a part of the amount is returned by way of bank entry and as of today the balance amount is Rs.20 Lakhs. It is submitted that the dispute is of a monetary/civil in nature.

5. It is submitted that the transaction is of a hand loan obtained by the Applicant from the complainant. On failure of the Applicant to pay interest at exorbitant rate the complaint is filed.

6. The learned counsel for the Applicant on instructions states that the Applicant is ready and willing to deposit Rs.20 Lakhs within two weeks from today. The statement so made is accepted. She states that leave may be granted to add the complainant as a party respondent.

7. In the result the following order is passed.

ORDER

(I) Leave granted to add the complainant as a party respondent. Necessary amendment to be carried out forthwith.

(ii) Issue notice to the newly added respondent, returnable on 28 April 2022. Private notice is allowed in addition to the regular mode.

(iii) In the event of his arrest in connection with investigation of Crime No.60 of 2022 registered with Vishrambag Police Station, the applicant-MolasabHasanab Kolhar @ Muolasahab Hasanab Kolhar, be released on bail on executing a P.R. Bond

in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(iv) The applicant shall report to the Investigating Officer on 14 and 15 April 2022 and as and when called by the investigating officer and shall co-operate with the Investigating Agency.

(v) This shall be further subject to the condition that the Applicant shall deposit Rs.20 Lakhs before this Court, within two weeks from today.

(vi) The applicant shall not tamper with the prosecution evidence/witnesses.

(vii) In the event of breach of any of the conditions, the interim protection shall stand vacated with out reference to Court.

(viii) This order shall remain in force till next date.

(ix) Stand over to 28 April 2022.”

3. The learned counsel for the applicant submits that the applicant has deposited the amount of Rs. 20 Lakhs. Considering the facts and circumstances of the case and as there appears to be no need of custodial interrogation, I am inclined to allow the present application. Interim order passed by this Court dated 7 April 2022 is hereby confirmed.

4. The respondent No. 2/complainant has filed an application for withdrawal of the said amount of Rs. 20 Lakhs. The applicant has not disputed that he owes the said amount to the respondent No. 2/complainant. The complainant is, therefore, permitted to withdraw the said amount.

5. Interim Applications are disposed of in above terms.

(N.R. BORKAR, J.)