



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2979 OF 2023

Rahul Amindra Jha

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Neerajkumar Pandey, for Applicants.

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

CORAM:- N. J. JAMADAR, J.

DATED:- 31st OCTOBER, 2023

PC:-

1) Heard the learned counsel for the applicant and the learned APP for the State.

2) This application is preferred for pre-arrest bail in connection with C.R. No. 245 of 2023, registered with Vasai Police Station, for an offence punishable under Section 420 of Indian Penal Code, 1860 ("the Penal Code").

3) The gravamen of indictment against the applicant is that the applicant made a false representation to the first informant that he would secure a loan of Rs.1,47,00,000/- to the first informant and induced the first informant to part with a sum of Rs.2,77,076/-. Eventually, neither the loan amount was credited, as promised, nor the applicant repaid the said amount of Rs.2,77,076/-. Hence, the report.

4) The learned Counsel for the applicant submitted that the allegations in the FIR are inherently impossible. In fact, the applicant is a victim of the circumstances. Yet to show his bonafides, the applicant is willing to deposit a sum of Rs.2,77,076/-.

5) The learned APP resisted the prayer for pre-arrest bail.

6) The allegations in the FIR are that the applicant had induced the first informant to part with an amount of Rs.2,77,076/- over a period of time, by making promises of securing the loan. The question as to whether the applicant had dishonest intention since the inception of the transaction, is a matter for trial. Since the applicant has shown willingness to deposit a sum of Rs.2,77,076/-, custodial interrogation of the

applicant does not seem to be warranted. Hence, I am inclined to exercise the discretion in favour of the applicant.

7) Thus, the following order:-

ORDER

I) The applicant, as undertaken, shall deposit the amount Rs.2,77,076/-in the Court of learned Magistrate exercising the jurisdiction over Vasai Police station within a period of four weeks and furnish copy of receipt to the Investigating Officer.

II) Subject to the aforesaid deposit, in the event of arrest of the applicant in connection with C.R. No. 245 of 2023, registered with Vasai Police Station, for an offence punishable under Section 420 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 not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

IV) The applicant shall co-operate with the investigation and attend Vasai police station on 7th, 8th and 9th November,

2023 in between 10.00 am to 1.00 pm and as and when directed by the Investigating Officer.

V) The amount to be deposited by the applicant be invested in an interest bearing account and it shall abide the final decision of the proceedings arising out of CR No. 245 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.]