

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3629 OF 2022

Prashant Pitambar More ... Applicant

Versus

The State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO. 526 OF 2023

.....

Mr. Sachin Deokar alongwith Mr. Rishikesh Kale for the Applicant.
Ms. Rutuja Ambekar, APP for the State.
Mr. Vivek Arote for the Intervenor.

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CORAM : N.R. BORKAR, J.

DATED : 3 MARCH 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 404 of 2022 registered at Panvel City Police Station, for the offences punishable under Sections 420, 170 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The allegations against the present applicant and other co-accused are of cheating to the complainant to the tune of Rs.2 Crore.
5. According to the complainant, the applicant who is his friend told him that co-accused in the present crime namely, Rajubhai and Ashraf, who are from the State of Gujarat and known to him, are in need of old currency notes for election purpose, and are ready to give Rs.50,000/- extra for Rs.1 lakh each. According to the complainant, the applicant further told him that he had given Rs.20 lakhs to them and they had returned him Rs.30 lakhs. According to the complainant, the applicant further told him that this time they want at least Rs.2 Crore.
6. The complainant has alleged that the applicant being his friend, he believed him and made arrangement of cash amount Rs.2 Crore. According to the complainant, on the instructions of the applicant, he handed over the said cash of Rs.2 Crore to one unknown person who was with the applicant. The complainant has alleged that when he did not receive the amount as assured by the applicant, he realized that he is duped.
7. The learned Counsel for the applicant submits that the applicant has nothing to do with the alleged crime and it is co-accused who cheated them. It is further submitted that nothing is to be recovered at the instance of the present applicant and therefore, there is no need of custodial interrogation.

8. Considering the overall facts and circumstances of the case, the custodial interrogation of the present applicant is necessary to unearth whole racket. I am therefore not inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

- (i) Application is rejected.
- (ii) Interim application stands disposed of.

9. At the request of the learned Counsel for the applicant the interim order dated 4 January 2023 shall remain in force for the period of four weeks from today to enable the applicant to approach the Hon'ble Supreme Court.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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