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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

922 ANTICIPATORY BAIL APPLICATION NO. 1988 OF 2023

Sainath Dharam Chavan

...APPLICANT

VERSUS

1. The State of Maharashtra **...RESPONDENTS**
through Vedant Nagar Police Station
2. The Superintendent of Police, Aurangabad

Mr. Chaitanya C. Deshpande, Advocate for the applicant
Mr. N. B. Patil, APP for the respondents/State

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 25th JANUARY, 2024

P. C.

1. Applicant apprehends arrest in crime No. 154/2023 registered with Vedant Nagar Police Station, Aurangabad for the offences punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code.
2. Hotel owner Nilesh Chavan lodged the FIR alleging that in June, 2021 Sainath, Dharam, Amol and Digambar met

him in his hotel Sky Court. Sainath and Dharam showed him a scheme for investment which would give him return @ 12% pa. Amol and Digambar supported the said scheme. Initially an amount of Rs.5 lakhs was paid in cash by informant to Dharam and Sainath. They gave return of Rs.50,000/- on the said amount and gained trust of informant. Thereafter all the accused persons induced him to invest more amount. Informant from time to time made investment of Rs.46 lakhs with the accused persons by transferring amount through RTGS or online from his bank account in the account of Dharam, Amol and Digambar. However, accused persons did not give any returns on the said invested amount and the accused persons have committed offence of cheating and criminal breach of trust.

3. Applicant claims to be a student of final year of Engineering and he is studying at Pune. Allegations in the FIR against the applicant is that initially informant gave cash amount of Rs.5 lakhs to applicant and his father Dharam. Thereafter all the amounts are deposited by informant either

through RTGS or by way of cheque. Merely because applicant accompanied with his father when an amount of Rs.5 lakhs is paid by informant to them that itself does not mean that applicant has actively participated in commission of alleged offence.

4. Prima-facie applicant's involvement in the present crime is not made out from the investigation papers. Considering the allegations made in the FIR and the role attributed to the applicant and fact that the applicant is a student of final year of Engineering, if arrested his future would be marred. The application therefore deserves to be allowed.

5. In the event of arrest of the applicant, he be released on executing PB and SB of Rs.15,000/-[Rupees Fifteen Thousand Only] with one surety in the like amount. The applicant shall attend the concerned police station as and when called by the Investigating Officer. The applicant shall not tamper with the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]