IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2143 OF 2023

Eliyas Naser Patel … Applicant

VERSUS

The State Of Maharashtra … Respondent

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Mr. Ahmed Mushfiq, Advocate for Applicant
Mr. C.V. Bhadane, APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 02nd MAY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.314 of 2023, registered with Ramanand Police Station, Jalgaon for offences punishable under sections 420, 506 of the Indian Penal Code.

2. FIR is lodged by Parag Prabhakar Bhavsar alleging that he along with his maternal cousin Bhushan Avinash Bhavsar were in the business by name 'Dakshyani Finance' since September 2021. He was Jalgaon Branch Head of the said company. He was being paid Rs.15,000/- salary. He was also to be paid incentives after the loan file is cleared. Bhushan told him that there was a loan scheme, to avail it

processing fee of Rs.3,50,000/- was to be paid. If the file is approved, then a business loan of Rs.3,00,00,000/- would be disbursed. Processing time for the same was about three months. In the event of non-approval of business loan, processing fee will be returned fully without any deduction. He said that, he had managed to find few probable clients, one of them was Omprakash Patil, who agreed to pay processing fee amount of Rs.3,50,000/-. Bhushan Bhavsar asked informant to accept the said amount in his ICICI Bank account. Since Bhushan was his close relative, he agreed for the same. On 27.12.2021, Omprakash Patil transferred Rs.3,50,000/- in informant's ICICI Bank account through RTGS. Informant took out Rs.2,000/- towards notary charges and transferred Rs.3,48,000/- through RTGS in Bhushan's DNS bank account.

Bhushan gave new proposal that Rs.2,00,00,000/- finance is available and for processing it, Rs.3,00,000-/- will have to be paid. One Rahul Hilal Deore relative of Omprakash Patil, who was in need of loan, therefore, transferred Rs.3,00,000/- in informant's ICICI Bank account. On 17.02.2022, on the say of Bhushan, informant immediately transferred an amount of Rs.2,50,000/- in the account of Nandini Raghuwanshi through RTGS. Nandini was working in the main branch of Bhushan at Nashik. On the say of Bhushan informant transferred Rs.50,000/- on PhonePe of applicant, who happens to be friend of Bhushan. Informant/**He**, Omprakash Patil and Rahul Deore were pursuing Bhushan Bhavsar about sanction of loan, however, he was giving frivolous reply that work is going on and he is repeatedly going to Pune. Though the period of three months was over, Bhushan was not giving proper replies. Thereafter he stopped answering calls.

3. Heard learned advocate for applicants and learned APP for respondent - State. Perused the Investigation papers.

4. On going through the investigation papers, it *prima facie* appears that even the applicant is victim of the crime committed by Bhushan Bhavsar. The only allegation against applicant in the FIR is that informant transferred an amount of Rs.50,000/- on the PhonePe account of applicant at the instance of Bhushan Bhavsar. Except this, there is no other material collected during investigation to connect the applicant to the present crime. Applicant has repaid the amount of Rs.50,000/-.

5. Applicant was granted interim protection and he has attended the Police Station and co-operated in the investigation. Nothing is to be recovered from him, therefore, his pre-trial custodial detention is not necessary.

6. Application is therefore allowed by confirming interim protection granted to applicant by order dated 05.01.2024.

7. Till filing of charge-sheet, applicant shall attend the concerned police station as and when called by the Investigating Officer. Applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE