

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

ANTICIPATORY BAIL APPLICATION NO. 3397 OF 2023

Somnath Parmeshwar ChareApplicant

V/s.

The State of Maharashtra ...Respondent

**ALONGWITH
INTERIM APPLICATION NO. 4356 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 3397 OF 2023**

Prashant Jagganath SindhagiIntervener

In the matter between

Somnath Parmeshwar ChareApplicant

V/s.

The State of Maharashtra ...Respondent

Mr. Ritesh Thobde for Applicant.
Mr. H.J. Dedhia, APP for State.
Mr. Pratik G. Tare for Intervener.

**CORAM : N.J. JAMADAR, J.
DATED : 3rd DECEMBER 2024**

P.C. :

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.365 of 2023 registered with Jail Road Police Station, Solapur City for the offences punishable under Section 406 and 420 of the Indian Penal Code, 1860 (the IPC).

3. By an order dated 7th December 2023 this court was persuaded to grant interim bail to the applicant observing, inter alia, as under :

“3. The first informant trades in grains at the Market Yard, Solapur. The applicant also trades in the agriculture produce. In the month of August, 2023, the applicant had induced the first informant to sell pulses by offering a higher price. The first informant thus sold and delivered goods worth Rs. 29,37,100/-. The applicant had promised to pay the price of the goods within two to three days. However, the applicant bought time on one and another pretext. Eventually, the applicant became untraceable. Inquiry revealed that the applicant had deceived other traders as well. Hence, the report.

4. The learned counsel for the applicant submitted that the transaction in question is not the only transaction between the parties. In the past there have been multiple transactions between the applicant and first informant as well as the other traders whom the applicant had allegedly deceived. Attention of the Court was invited to the statement of account of the applicant maintained with Bank of Maharashtra which indicates

that there have been transactions between the applicant, on the one part, and the traders, on the other part.

5. The learned APP seeks time to take instructions as the investigating officer is not present. There is material to show that there were transactions in the past. The question as to whether the intention of the applicant was dishonest since inception warrants consideration. Investigation is also warranted to ascertain the identity of other traders, who have allegedly been deceived and the quantum of the amount defrauded. In the meanwhile, the applicant deserves interim protection.”

4. Learned APP, on instructions, submits that post completion of the investigation, the Investigating Officer has filed the charge-sheet.

5. Learned APP further submitted that apart from the first informant, the applicant has deceived other traders as well. Learned counsel for the applicant joined the issue by submitting that, like the first informant, there were regular transactions between the applicant and other traders also.

6. Learned counsel for the first informant/intervener resisted the application on the ground that post grant of interim bail the applicant has

threatened the first informant. Learned counsel for the first informant submits that one of the traders has lodged the FIR with Jodbhavipeth Police Station for the offences punishable under Section 333, 115, 352, 351(2) of the Bhartiya Nyaya Sanhita, 2023. Therefore, in the event interim order is made absolute, appropriate conditions be imposed on the applicant.

7. The genesis of the offences appears to be in regular commercial transactions. The question whether the intention of the applicant was dishonest since the inception of the transaction, warrants adjudication at the trial. Since the investigation in this case is complete and charge-sheet has been lodged, the interim bail deserves to be made absolute.

8. Hence, the following order :

ORDER

- (i) The Application stands allowed.
- (ii) The order dated 7th December 2023 granting interim bail to the Applicant is made absolute on the terms and conditions incorporated therein.
- (iii) In addition, the applicant shall regularly attend the proceedings before the Jurisdictional Court.

(iv) The applicant shall not contact the first informant, any of the victims or any witnesses for any purpose whatsoever.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(vi) Breach of any of the conditions would render the bail granted to the applicant liable to be cancelled.

9. Application stands disposed.

10. In view of the above, Interim Application No. 4356 of 2024 also stands disposed.

(N.J. JAMADAR, J.)