



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3620 OF 2023**

Dilip Arvind Prabhune ... Applicant
versus
The State of Maharashtra and Anr. ... Respondents

WITH
INTERIM APPLICATION NO.730 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.3620 OF 2023

Swwapnil Jijaba Bhingardevay ... Applicant
and
Dilip Arvind Prabhune ... Applicant
versus
The State of Maharashtra and Anr. ... Respondents

Mr. Rushikesh C. Barge with Mr. Shivraj V. Patil (Shirgaonkar) for Applicant.
Mr. Shraddha Pawar, for Intervener.
Mr. A.A.Naik, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 10 JULY 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.1195 of 2023 registered with Karad City Police Station, Satara, for the offences punishable under Sections 406, 420, 465, 468 and 471 of Indian Penal Code, 1860.
3. On 22 December 2023, this Court was persuaded to grant interim bail to the applicant observing, inter alia, as under :

“3.The indictment against the applicant is that the applicant had induced

the first informant to part with a sum of Rs.25,00,000/- by making a representation that the applicant would secure the loan of Rs.1,50,00,000/- for the sugarcane factory of the first informant. The applicant has allegedly produced false documents. Loan could not be secured, as promised. Out of the said amount of Rs.25,00,000/-, the applicant repaid a sum of Rs.16,00,000/-. However, the balance amount of Rs.9,00,000/- was not paid.

4. The learned Counsel for the applicant submitted that, in fact, the applicant had returned the entire amount. It was because of the failure on the part of the first informant to comply with the requisite conditions and suppression of material facts, the loan could not be secured. Nonetheless, the learned Counsel, on instructions of the applicant, submits that without prejudice to the rights and contentions of the applicant and to show bona fide the applicant is willing to deposit a sum of Rs.5,00,000/-.

5. Since the applicant has already repaid a sum of Rs.16,00,000/- as is evident from the allegations in the FIR and there are documents, which prima facie show that the applicant had provided the services in a regular course of his occupation, the question as to whether the intention of the applicant was dishonest since inception warrants consideration. In view of the above, since the applicant has shown willingness to deposit sum of Rs.5,00,000/-, it may be expedient to grant interim protection till the application is heard after providing an opportunity to the prosecution.”

4. Pursuant to the aforesaid order, the applicant has deposited the amount of Rs.5 Lakhs in this Court. Learned Counsel for the Applicant submits that the applicant has appeared before the Investigating Officer and has cooperated with the investigation.

5. In view of the aforesaid submission and the reasons which weighed with this Court in granting interim bail, the custodial interrogation of the applicant does not

seem warranted to facilitate further investigation. I am, therefore, impelled to make the order of interim bail absolute.

6. Hence, the following order :

ORDER

(i) The order dated 22 December 2023 granting interim bail to the applicant is made absolute on the terms and conditions incorporated therein.

(ii) The applicant shall appear before the Investigating Officer as and when directed.

(iii) In the event the chargesheet is lodged, the applicant shall regularly attend the proceedings before the jurisdictional Court.

Application disposed.

INTERIM APPLICATION NO.730 OF 2024

1. The first informant has preferred this application seeking permission to withdraw the amount of Rs.5 Lakhs deposited by the applicant.

2. The applicant/accused has resisted the prayer in the application.

3. I have perused the averments in the application. It appears that the first informant is in financial constraints. The apprehension on the part of the applicant/accused that in the event the first informant is permitted to withdraw the amount and, eventually, the prosecution does not succeed in establishing the guilt of

the accused, the applicant/accused will be forced to resort to the proceedings to recover the amount, appears justifiable.

4. In my view, it would be appropriate to remit the amount of Rs.5 Lakhs deposited by the applicant to the Court of the jurisdictional Magistrate with a direction that the said amount shall abide the outcome of the proceedings.

5. Thus, the Interim Application stands disposed.

6. The amount of Rs.5 Lakhs deposited by the Applicant/accused along with interest accrued thereon, be transmitted to the Court of Judicial Magistrate, First Class, exercising jurisdiction over Karad City Police Station.

7. The said amount shall abide the outcome of the proceedings arising out of C.R.No.1195 of 2023.

(N.J.JAMADAR, J.)