IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.615 OF 2024

Deepak Bhagwat Patil .... Applicant
versus
State of Maharashtra .... Respondent

WITH
INTERIM APPLICATION (ST) NO.5337 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.615 OF 2024

Vrushali Shailesh Dhamankar .... Applicant/ Intervenor

IN THE MATTER BETWEEN :

Deepak Bhagwat Patil .... Applicant
versus
State of Maharashtra .... Respondent

…....

- Mr. Laxman Kalel i/b Babu Singh, Advocate for Applicant.
- Ms. Rajeshree V. Newton, APP for the State/Respondent.
- Mr. Nitesh Mohite a/w Suraj Mishal, Advocate for original complainant.

CORAM : SARANG V. KOTWAL, J.
DATE : 05th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.715/2023, dated 20/12/2023, registered with

Mahatma Phule Chowk Police Station, Thane City, under sections 420, 406, 354 of the Indian Penal Code.

2. Heard Mr. Laxman Kalel, learned counsel for the Applicant, Mr. Nitesh Mohite, learned counsel for the complainant and Ms. Rajeshree V. Newton, learned APP for the State.

3. The FIR is lodged by the informant who is also the victim in this case. She has stated that she was residing with her husband and children. The present Applicant's mother was residing in her neighbourhood. The Applicant was working in a bank. The informant's husband was well known to the Applicant. In the year 2020 there was some dispute between the informant and her husband. The informant's father gave her Rs.21 lakhs for investment. The husband suggested that the amount be deposited in the bank where the Applicant was working. Accordingly, she deposited Rs.7 lakhs with the bank account maintained with the bank where the Applicant was working. Thereafter since there was dispute between the

informant and her husband, she decided to obtain divorce. She wanted to invest her money, but she did not want show it in her name. Therefore, she sought advice from the Applicant. At that time, he induced her to deposit her amount with him for investment. The FIR mentions that in January 2020 on two occasions, she deposited Rs.5 lakhs and Rs.3 lakhs in the Applicant's account. The FIR mentions various amounts which the Applicant had obtained from her. On one occasion, the Applicant directed the informant to deposit Rs.6 lakhs in the account of one Emily Debnath who was his friend's mother. On one occasion, he took money to take insurance policy, but subsequently, he himself went to the company and withdrew that amount and closed the policy. Thus, he obtained Rs.18,56,540/- from the informant. In March 2023, the informant asked him for refund of her money, he outraged her modesty by touching her inappropriately. He abused her. After that, this FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant had not misappropriated any amount. The amount of

Rs.7 lakhs was already deposited in the bank account where the Applicant was working. Rs.6 lakhs was given to Emily. Thus, out of Rs.18 lakhs major amount can be explained. He further submitted that the Applicant had received only Rs.8 lakhs in his account. The Applicant is willing to refund that amount. The Applicant has already returned Rs.1,44,000/-. The custodial interrogation of the Applicant is not required. He submitted that there is delay of three years in lodging the FIR.

5. Learned APP as well as the learned counsel for the first informant opposed these submissions. Learned APP produced copy of bank statement of Emily, wherein the amount of Rs.6 lakhs was deposited. The statement of said Emily is also recorded. She has stated that the Applicant had told her to accept that amount in her account. That amount was sent by the first informant. Out of that amount, certain amount was diverted to some other person.

6. I have considered these submissions. It is quite clear that the Applicant has obtained various amounts from the

informant on various pretexts and had misappropriated that amount. The offence is clearly made out. The informant is cheated to a large sum. The Applicant's custodial interrogation is necessary to find out the money trail. No case for grant of anticipatory bail is made out. The application is rejected.

7. With disposal of the Anticipatory Bail Application, the Interim Application is also disposed of.

(SARANG V. KOTWAL, J.)