

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

ANTICIPATORY BAIL APPLICATION NO. 428 OF 2024

Rocky Natha Vaidya

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Amol V. Sakpal for Applicant.

Mr. Pankaj Deokar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 14 FEBRUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1829 of 2023 registered at Hadapsar Police Station, Pune city, on 02.12.2023, under sections 420 and 406 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Amol Sakpal, learned counsel for the applicant and Mr. Pankaj Deokar, learned APP for the State.

3. The F.I.R. is lodged by one Vinod Pardeshi. He has stated that, on 18.09.2023 one Akhalakh Ansari met him. He told him that he knew one Aayra Shab and he had some magical

powers. He could manage rains where currency notes rained on people. He told the informant that the informant would have to give Rs.18 to 20 lakhs and that person would see to it that the currency notes of Rs.5 crores would rain on him. Initially, the informant did not believe it. But since his friend Akhalakh Ansari insisted that it was true, he believed him.

4. On 03.10.2023, his friend Akhalakh called him to Hadapsar at his friend's Vishal's house at 8.30p.m. The informant carried Rs.18 lakhs in his bag. He went there. It is his case that the said magician performed some rituals and told him that now the rain of money will start and they should accept the currency notes raining on them. He asked the informant and others to close their eyes. When he opened his eyes the present applicant and one Kishor Pandagale were present there. They engaged the informant in some conversation. Kishor carried away that bag. He told his name to the informant and he told him that the informant should not worry. After that the informant asked Ansari about his money. He promised to return that amount. The informant went to Kondhwa.

Said Ansari gave him the documents of one under construction room and promised to transfer that room in the name of the informant. The F.I.R. further mentions that Kishor was present there. He told the informant that he should not worry about the money. Based on his statement the informant returned the papers of that room to Ansari. Ultimately, this issue was not resolved and this F.I.R. was lodged.

5. Learned counsel for the applicant submitted that the story in the F.I.R. is totally unbelievable. No prudent man would act in the manner in which the informant had acted. It shows that the F.I.R. is false. In any case, no role is attributed to the present applicant.

6. Learned APP, on instructions of the investigating officer and based on the investigation papers, submitted that, besides what is stated in the F.I.R. there is no further material available against the present applicant.

7. I have considered these submissions. The F.I.R. makes a very interesting reading. From the bare reading of the F.I.R. it is

quite clear that, either the F.I.R. is completely false or that the informant has acted in a very strange manner. No prudent man would part with such a huge amount so easily on the basis of some fanciful representation. In any case the allegations against the present applicant are quite vague. No specific role is attributed to the present applicant. In this background, custodial interrogation of the applicant is not necessary. He can be protected U/s.438 of the Cr.p.c.

8. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.1829 of 2023 registered at Hadapsar Police Station, Pune city, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)