

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

ANTICIPATORY BAIL APPLICATION NO. 475 OF 2024

Bharati Yuvraj Sharma Applicant
Versus
The State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO. 737 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 475 OF 2024**

Mahant Rajaram Das Guru ... Applicant
Versus
The State of Maharashtra Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 476 OF 2024**

1. Raju Anna Chaughule
2. Rohan Raju Chaughule Applicants
Versus
The State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO. 736 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 475 OF 2024**

Mahant Rajaram Das Guru ... Applicant
Versus
The State of Maharashtra Respondent

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Mr. Tushar Chavan a/w Hemant Bhand i/b Dinesh Sonawane for the applicants in both ABAs.

Ms.Mahalakshmi Ganapathy , APP for the State/Respondent.

Mr. Ashok B. Tajane for the Intervener in IA 737/2024 and IA 736/2024.

CORAM :SARANG V. KOTWAL, J.

DATE : 22nd FEBRUARY, 2024

P.C. :

1. Both these matters are decided together by a common order because they arise out of the same offence.
2. The Applicants are seeking anticipatory bail in connection with C.R. No. 27 of 2024, dated 16/01/2024, registered at Panchvati Police Station, Nashik under sections 420, 406, 465, 468 r/w 34 of the Indian Penal Code.
3. Heard Mr. Chavan for the applicants, Ms.Mahalakshmi Ganapathy, APP for the Respondent-State and Mr. Ashok B. Tajane, learned counsel for the Informant.
4. The FIR is lodged by one Mahant Rajaram Das Guru. He has stated that he was Mahant of Goreram Mandir, Panchavati

Nashik since 20 years. He was looking after the daily pooja and maintainance of the temple. He was spending expenditure from the money received from the devotees. The applicant Bharati Sharma used to regularly visit the temple for darshan and therefore the informant knew her since the year 2019. She had given Insurance Policy for the informant. In 2020, she introduced the informant to the Applicant Raju Chaughule. It is mentioned in the FIR that Raju inquired with the informant as to how much amount was expected to be spent for renovation of the temple. He assured the informant that he would help the informant in the renovation of temple. He represented that he knew many business-men.

5. In January 2021, the Applicant Raju Chaughule requested for financial help of Rs. 12 lakhs as he was in some difficulty. The informant gave him that amount. The applicant Raju returned those Rs. 12 lakhs through a cheque dated 27/07/2021. Thus, the informant started trusting him.

6. The FIR further goes on to mention that from time to

time on some pretext and representation, the Applicant Raju Chaughule, extracted money from the Informant. It is alleged that total amount of Rs. 40 lakhs was taken from the informant. There is one more allegation in the FIR that the informant was given a car for his use by one of the devotees Pramod Yadav. The Applicant Raju Chaughule sought permission of the informant to use that car for a few days. After that he suggested that he could mortgage that car so that his financial difficulties could be taken care of. The first informant trusting the applicant gave the permission. But thereafter, the car was given to one Pimpliskar. It is not returned to the informant. Thus based on these allegations, the FIR is lodged.

7. Learned counsel for the Applicants submitted that the allegations in the FIR are not true. He submitted that it can be demonstrated through the transactions in respect of the said car. In that behalf the aforementioned Pimpliskar has given a complaint to the police on 05/01/2024. He submitted that the complaint is made against the first informant and Pramod Yadav. According to him, the informant in this case had accepted Rs. 8,50,000/- but

thereafter the car was not transferred in the name of Pimpliskar. Learned counsel therefore submitted that the transactions in respect of the car is not a clean transaction and in fact the informant has cheated the said Pimpliskar.

8. Learned counsel for the Applicants submitted that out of Rs. 40 lakhs, Rs. 25 lakhs are paid in cash but there is no proof in the form of receipt or any other documents or even any other witness to show that said amount of Rs. 25 lakhs was paid in cash. Out of the remaining amount of Rs. 15 lakhs, major amount is returned. Learned counsel for the Applicants relied on the MOU dated 27/07/2023 which is purportedly signed by the informant, wherein, it was mentioned that the informant had suffered loss only to the tune of Rs. 10 lakhs and the informant and the Applicant Raju had invested Rs. 20 lakhs but the investment was not fruitful and they had lost that money. They decided to share the loss. He further submitted that some amount is transferred by the informant in the account of Expert Advertising Agency. It was a Firm in the business of investments. Therefore it cannot be said that the said amount was misappropriated by the Applicant Raju.

He submitted that the Applicant Bharati has not played any major role and even the Applicant Rohan is roped in only because he is the son of Applicant Raju.

9. I have considered these submissions. Learned APP as well as learned counsel for the first informant opposed these submissions. Learned counsel for the informant submitted that according to the first informant, the copy of the MOU which is annexed to the Application and which is relied on by learned counsel for the Applicant is a forged document. The informant has not signed any such MOU. Learned APP, on the other hand, produced a copy of the MOU dated 29/04/2023 wherein the Applicant Raju had undertaken to pay the amount of Rs. 10 lakhs. Learned APP then produced a copy of the statement of Pimpliskar. He has stated that the informant had taken Rs. 3.50 lakhs but the car was not transferred in his name. Statement of Pramod Yadav who is the real owner of the car, shows that he had given that car only for use of the informant. The informant had given that car to Pimpliskar who had used it in a careless manner and had caused

damage to the car. Pramod Yadav has stated that the car was registered in his own name. Therefore, as far as the question of car is concerned, the informant may not have a strong ground to claim that the Applicant Raju Chaughule had committed any particular offence in that behalf because the informant is equally responsible for giving that car to Pimpliskar.

10. As far as the other main allegation of receiving Rs. 40 lakhs is concerned, learned counsel for the Applicants has submitted that amount of Rs. 25 lakhs was paid in cash. These allegations are not true because there is no proof that such amount was actually paid to the informant. In that behalf, learned APP has relied on the statement of one Baijnath Sharma who has stated that he was present at a meeting dated 27/08/2023. It was held in the temple. It was attended by the Applicants Raju Chaughule and Bharati. The informant and the other witnesses were present in that meeting. During that meeting, both these applicants had accepted the fact that they had taken Rs. 40 lakhs from the informant and out of that the Applicant could be returned Rs. 33,50,000/- and the Innova Car within one week. This meeting

was captured in the CCTV footage. The informant has produced that footage in a pen drive. A panchnama to that effect is carried out. This circumstance is important. Therefore, there is substance in the allegation that said amount was taken by the Applicant Raju Chaughule on some pretext or the other with dishonest intention. The conduct of the Applicant Raju shows that his conduct was dishonest right from the inception. In this view of the matter, the Applicant Raju Chaughule cannot be protected under section 438 of Cr. P.C. His custodial interrogation is necessary.

11. As far as the Applicant Rohan Chaughule is concerned, he is son of the Applicant Raju Chaughule. Though some amount has gone in his account, the FIR itself mentioned that the said amount was deposited in his account at the behest of the Applicant Raju Chaughule. Therefore the Applicant Rohan Chaughule can be protected under Section 438 of Cr.PC.

12. As far as the Applicant Bharati is concerned, there are hardly any allegations directly against her except that she had introduced the Applicant Raju to the informant and that she was

present during the meeting. In this view of the matter, even she can be protected under Section 438 of Cr.P.C. Hence the following order.

ORDER

- (i) In the event of their arrest in connection with C.R. No.27 of 2024 registered at Panchvati Police Station, Nashik, the Applicant in ABA No. 475 of 2024, Bharati Sharma as well as the Applicant No. 2 Rohan Chaughule in ABA No. 476 of 2024 are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty thousand Only) each with one or two sureties each in the like amount
- (ii) The Applicants shall co-operate with the investigation.
- (iii) The application on behalf of Applicant No. 1 Raju Chaughule in ABA No. 476 of 2024 is rejected.
- (iv) Applications stand disposed of accordingly.
- (v) In view of disposal of the Anticipatory Bail Applications, Interim Applications are also disposed of.

(SARANG V. KOTWAL, J.)