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

**ANTICIPATORY BAIL APPLICATION NO. 553 OF 2024**

Purab Joginder Obhan ..Applicant
Versus
The State of Maharashtra ..Respondents

---

Mr. Ghanashyam Upadhyay, with Mr. Vijay Jha, Mr. Ankit Upadhyay, i/b Law Juris, for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

---

**CORAM : SARANG V. KOTWAL, J.**
**DATE : 28 FEBRUARY 2024**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 57 of 2024 dated 5th February 2024 registered at Mulund Police Station, under Section 420 of the Indian Penal Code.

2. Heard Mr. Upadhyay, learned counsel for the applicant and Ms Ganpathy, learned APP for the State.

3. The applicant had earlier preferred ABA No. 440 of

2024. At that time, it was argued for some time and Court had expressed disinclination to grant relief and therefore, it was prayed that the said application be permitted to be withdrawn. Permission was granted and the application was allowed to be withdrawn.

4. Now this second ABA is filed mainly on two submissions. According to the learned Counsel for the Applicant, on the first occasion it was not pointed out to the Court that the applicant had returned certain amount through bank transactions. The other submission which I am seriously considering is that the applicant has shown willingness to deposit Rs. 1,50,000/- in this court in connection with this offence. Considering this voluntary statement made on instructions, by the learned Counsel for the applicant, I am entertaining this application and I have considered the submissions.

5. The F.I.R. is lodged by one Smt. Alag. The gist of FIR is that the applicant had represented to the Informant and her husband that he was in a position to get a job for the Informant's husband in a foreign country. For that purpose he obtained

different amounts at different times. The FIR mentions that the informant had paid Rs. 3,80,000/- through bank transaction and UPI transaction. Further Rs. 4 Lakhs were paid in cash. Thus inspite of paying that amount to the applicant, he did not take any steps. It was a false representation that he would get a job for informant's husband. Therefore, she felt cheated and FIR was lodged.

6. Today the learned Counsel for the applicant relied on the receipts of bank transaction from pages 63 to 67 of the Application Memo. The applicant has also annexed the screen shots of UPI transfers from pages 68 to 70. He submitted that thus he has returned Rs. 1,37,000/- and in addition, he is willing to deposit Rs. 1,50,000/-. He submitted that this fact is suppressed by the informant in the FIR and there is no proof that the applicant had received any money in cash. Learned Counsel submitted that the Applicant has already paid Rs. 4,07,000/- to the informant.

7. Learned APP with the help of Investigating Officer submitted that the documents referred to hereinabove show that

Rs. 1,37,000/- was refunded to the informant. She submitted that the bank account numbers mentioned in the receipts could not be verified. However, she submitted that the UPI receipts show that the amount of Rs. 22,000/- was paid through UPI transfer.

8. Learned Counsel on instructions of the applicant makes a responsible statement that bank receipts annexed at pages 63 to 67 shows transfer of the money from the bank account of the applicant to bank account of the informant. Based on this statement now the applicant's case that he has repaid Rs. 1,37,000/- will have to be considered. In addition, the applicant has shown willingness to deposit Rs. 1,50,000/- in this court without prejudice to his rights and contentions. This further shows his bonafide intentions. Considering this fresh statement made by the applicant in this ABA, I am inclined to protect him under section 438 of the Code of Criminal Procedure. The learned APP submits that Investigation has not revealed that there was any proof available showing that the amount of Rs. 4 Lakhs was paid in cash to the applicant by the informant. The bank transactions showing payment to the Applicant is for the amount of Rs.

3,80,000/-. In that context, the majority of the amount is secured as the applicant has returned Rs. 1,37,000/- and is depositing Rs. 1,50,000/-.

9. Hence, the following order :

**ORDER**

i) In the event of his arrest in connection with CR No. 57 of 2024 registered at Mulund Police Station, 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 Applicant shall cooperate with the investigation.

iii) The applicant is permitted to deposit Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand Only) in this Court within a period of two weeks from today.

iv) The Application is disposed of accordingly.

**(SARANG V. KOTWAL, J.)**