

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

ANTICIPATORY BAIL APPLICATION NO.587 OF 2024

Gaurav Chandrakant Kedari Applicant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Sangram R. Divekar (appeared through VC) Advocate for Applicant.
- Mr. C. D. Mali, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 01st MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1135/2023, dated 05/09/2023, registered with Yawat Police Station, Pune Rural, under sections 420 r/w 34 of the Indian Penal Code.

2. Heard Mr. Sangram R. Divekar, learned counsel for the Applicant and Mr. C. D. Mali, learned APP for the State.

3. The FIR is lodged by one Komal Sutar. She has stated that the Applicant's mother Swati approached her and told her that she was in a position to get grinding machine for half of the price. Its actual price was Rs.10,000/-, but she would get it for Rs.5,000/-. The informant gave her Rs.5,000/- and Swati actually got that machine for Rs.5,000/-. Therefore, the informant started believing her. Swati represented to her that she could get many such articles for half of the price. The informant believed her because Swati was her close relative. Slowly Swati started accepting money from the informant's friends and relatives on the pretext of getting two wheeler, tractor and many such costly articles. Swati entered into different MOUs with different people as well. The FIR mentions that since July 2020 upto 2022 Swati obtained Rs.7,29,000/- on the pretext of giving motorcycles, tractors and implements for agriculture. Ultimately, nothing was given to them and the money was misappropriated. In the FIR it is mentioned that on some occasions, Swati's husband, the other son Saurabh and the present Applicant were also present. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant made six submissions, as follows :

- (i) The Applicant has not committed any offence;
- (ii) His custodial interrogation is not necessary;
- (iii) He is not the beneficiary;
- (iv) He is falsely implicated;
- (v) The Applicant is residing in different city;
- (vi) Nothing has gone in his bank account.

5. Learned APP opposed these submissions. On instructions he has submitted that so far it is revealed that there were five victims and the total amount involved is Rs.9,49,000/-. The Applicant is absconding. On one occasion, the money has gone in the account linked with his mobile phone.

6. Learned counsel has explained that the phone number is linked with his mother's bank account and the person who had transferred that amount had stored the Applicant's name

against that number. The money has not actually gone into the Applicant's account.

7. I have considered these submissions. In the FIR it is clearly mentioned that every time, the false representation was made by the Applicant's mother. The alleged victims have transferred money to the Applicant's mother. They have acted purely on her representation. None of the victims stated that the Applicant has made any false representation or they had paid any money to the Applicant. The Applicant's father and brother are already released on regular bail. I do not find any material against the present Applicant warranting his custodial interrogation. The main allegations and the only allegations are against his mother who is already arrested. In this view of the matter, the Applicant can be protected u/s 438 of Cr.PC.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.1135/2023, dated 05/09/2023, registered with Yawat Police Station, Pune Rural, the Applicant is directed to be released on bail on his furnishing PR 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 application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)