IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.777 OF 2024

Anil Duwarkadas Ramchandani .... Applicant
Versus
The State of Maharashtra .... Respondent

Ms. Minal J. Chandnani, Advocate i/b. Jaiwant S. Chandnani for the Applicant.
Ms. Poonam P. Bhosale, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.210/2022 registered at Ulhasnagar Police Station on 12.5.2022 under Sections 420, 417, 170 read with 34 of IPC.

2. Heard Ms. Minal Chandnani, learned counsel for the Applicant and Ms. Poonam Bhosale, learned APP for the Respondent-State.

3. The FIR is lodged by one Manoharsingh Thakur. He has stated that he had a shop at Ulhasnagar by name

'J.M.K. Decor' He came in contact with one Kapil Kathore through a common friend. In September, 2021 Kapil came to his shop and told him that he had a scheme to earn money. Kapil told the informant that he was getting the old currency notes which were not valid after demonetization. He further told the informant that if they took old currency notes worth Rs.1 Crores, then they had to pay Rs.12 Lakhs to that party. He knew some people in the Bank who would accept the old currency notes of Rs.1 Crore and in lieu of those notes they could get Rs.20 Lakhs from the bank. In that transaction there is a chain of agents to whom they had to pay Rs.5 Lakhs but still Rs.15 Lakhs would be left. In short if the informant invests Rs.12 Lakhs in this scheme, he would get Rs.3 Lakhs as a profit. The informant was not sure about the scheme but Kapil assured him of the possible success of the scheme. The FIR goes on to mention that on three occasions through some persons Kapil gave him old currency notes worth Rs.5 Crores against that the informant gave him Rs.60 Lakhs. In October, 2021, the informant told Kapil to sell those notes but Kapil was avoiding taking further steps. The informant got anxious. He contacted his C.A. Jitu Jethani and told him about the entire scheme. Jitu, in turn, told the informant that he knew the present Applicant and that the Applicant was involved in such work. The informant had a telephonic discussion with the Applicant. The Applicant asked him to meet personally as he had some party willing to accept the old currency notes. On 18.11.2021 at about 1.30 p.m. the Applicant called the informant at Gol Maidan, Ulhasnagar. The informant went there. The Applicant, Jitu and one more person were present there. The Applicant introduced that person as Nitin Bansode and said that he would accept the notes. Nitin told the informant that one Sanjay Sawant was his superior and he would come within a short time. He asked the informant to show the old currency notes. He further told the informant that the informant would get Rs.1 Crore in fresh currency notes in lieu of the old currency notes of Rs.5 Crores. The informant brought those old currency notes at the same place at about 4.00 p.m. and showed them to the Applicant, Jitu and

Nitin. He asked for Rs.1 Crore from them. All of them waited for Sanjay Sawant to reach there. In the meantime, some unknown persons came there and claimed that they were police. They told all of them to accompany them to the police station. Nitin told the informant that he should manage the police at the spot itself. The informant called Kapil telephonically. He and his brother also came there. They held discussion with those unknown persons claimed to be police. They demanded Rs.10 Lakhs but finally it was settled at Rs.7,50,000/-. The informant brought Rs.7,50,000/- and paid that amount to those persons who claimed to be the police. After that they went away. In the meantime, Kapil took those old currency notes of Rs.5 Crores from the informant and went away. After a few days, he told the informant that those currency notes were taken away by some duplicate police. Ultimately, the informant realized that he was cheated and that he had lost Rs.67,50,000/-. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant made the following submissions :

i. The Applicant had no connection with Kapil Kathore. The Applicant is described only in the latter part of the incident.

ii. The aforementioned Nitin Bansode was knowing Sanjay Sawant, who in turn had called the real police. The money was not taken by the Applicant.

iii. The FIR is lodged in the year 2022. The Applicant had attended the police station and has cooperated with the investigation.

iv. The FIR is the result of the order passed under Section 156(3) of Cr.P.C.

v. Considering the role of the Applicant, which is vague and since the Applicant has not made any representation nor has received any money, the Applicant deserves the protection under Section 438 of Cr.P.C.

5. Learned APP submitted that the Applicant had introduced the informant to said Nitin Bansode, who in turn

was instrumental in the informant paying Rs.7,50,000/- to the persons who claimed to be the police officers. She submitted that the Applicant is thus deeply involved in the offence.

6. I have considered these submissions. The entire transaction is fraudulent. Even the informant has indulged in these illegal activities, but, the Applicant's role is clearly spelt out in the FIR itself. The Applicant also had represented to the informant that he could help in disposing off the old currency notes and in getting some amount in lieu of old currency notes. The Applicant was instrumental in taking the informant to Gol Maidan and introducing him to Nitin Bansode. The informant was asked to bring old currency notes at their instance which he eventually brought. At around the same time, some persons came there and claimed to be the police officers. They took Rs.7,50,000/- under the pretext of settling the matter. That amount was also lost. Therefore, in this part of the incident, the Applicant is directly and deeply involved.

7. The entire transaction is totally fraudulent. The offence is quite serious and grave. It is necessary to find

connection of the accused amongst themselves. The money trail has to be traced.

8. Considering all these aspects, the Applicant's custodial interrogation is absolutely necessary. No case for protection under Section 438 of Cr.P.C. is made out. The Application is rejected.

(SARANG V. KOTWAL, J.)

Deshmane (PS)