

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

**ANTICIPATORY BAIL APPLICATION NO. 783 OF 2024**

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Yunus Jahangir Jamadar

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Sachin H. Deokar, for the applicant.

Ms. Rajeshree V. Newton, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE :21<sup>st</sup> MARCH, 2024

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 37 of 2024 registered at Kagal Police Station, Kolhapur, on 20/01/2024 under sections 406, 420 r/w 34 of the Indian Penal Code.

2. Heard Mr. Deokar, learned counsel for the applicant and Ms. Rajeshree Newton, learned APP for the State.

3. The FIR is lodged by one Javed Naikwadi. He has

stated that the Applicant and his brother Usman Gani were relatives of the informant. They were cousins of the informant's mother. They represented to the complainant that they had a company by name U.J. Enterprises. They were providing goods for construction, ornaments and vehicles at lesser rates than the market rates. They told him that they had given gold and vehicles to various people. The informant believed them. The informant's financial condition was poor. But since the informant wanted articles for constructing the house, he decided to get the goods from the Applicant. The FIR mentions that the Applicant had paid amount of Rs. 5,50,000/- in bank transaction and Rs. 4,50,000/- in cash. The bank transaction was made in the name of the Applicant's brother Usman Gani. It is alleged that Rs. 3,00,000/- in cash were paid to both the Applicant and his brother Usman Gani. Additional Rs. 3,00,000/- was deposited in the bank account of Usman Gani. There are other allegations that the informant's cousin Taufiq had paid Rs. 1,60,000/- to the Applicant and his brother, out of which Rs. 80,000/- were transferred in the bank account of Usman Gani.

4. It is alleged in the FIR that the informant had paid Rs. 13,00,000/- in all and Taufiq had paid Rs. 1,60,000/-. Thus both of them together were cheated for the amount of Rs. 14,00,000/-. On this basis, the FIR is lodged.

5. Learned counsel for the Applicant submitted that the FIR itself mentions that the major amount was directly deposited through the bank transactions in the bank account of Usman Gani. The allegations connecting the Applicant of receiving the money is to the tune of Rs. 3 lakh in cash. Beyond that there are no allegations of receiving any other amount by the Applicant. He submitted that the Applicant is willing to pay that amount of Rs. 3,00,000/- to the informant. He submitted that he is making this statement on instructions without prejudice to his rights and contentions. He submitted that deposit of Rs. 3,00,000/- be made a pre-condition for grant of anticipatory bail.

6. Learned APP opposed this submission. She produced

investigation papers which contain the statement of Taufiq, which supports the informant's case.

7. I have considered these submissions. The FIR itself mentions that most of the amount were deposited in the bank account of the Applicant's brother Usman Gani. As submitted by learned counsel for the Applicant, there is reference of payment of Rs. 3,00,000/- by the informant to both these brothers. The Applicant has showed his willingness to refund the amount of Rs. 3,00,000/- to the informant. Apart from that, there are no allegations against the Applicant having received any amount in his bank account.

8. In this view of the matter, the Applicant's custodial interrogation is not necessary. He has much lesser role. Moreover, he has showed willingness to refund the amount of Rs. 3,00,000/- to the informant. The Applicant shall refund Rs. 3,00,000/- to the informant with the assistance of the Investigating Officer as undertaken by the Applicant's counsel in the Court today. Hence

the following order.

**ORDER**

- (i) On deposit of Rs.3,00,000/- with the informant, in the event of his arrest in connection with C.R.No. 37 of 2024 registered at Kagal Police Station, Kolhapur, 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 attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

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