

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1088 OF 2021**

Mayur Pradip Malpure	...	Applicant
versus		
The State of Maharashtra		Respondent

Mr. Pravin Uttam Gaikwad, Advocate for the Applicant.
Mr. Kiran C. Shinde, APP for the Respondent-State.
Mr. Amar Patil, PI-Santacruz Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd MAY, 2024.

P.C. :

1. Heard learned counsel for the applicant and learned APP.
2. By this application, the applicant is seeking protection from arrest in Crime No.122 of 2020 registered for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860 (for short "the IPC") with Santacruz Police Station.
3. It is the prosecution's case that the applicant and co-accused cheated the complainant on the promise that they will give gold to him at lesser amount. The complainant had deposited the amount with Morya Suisse Trading Company. It is alleged that the applicant, accused No.1- Mukesh Suryavanshi and other co-accused are partners in the said company.

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4. It is contention of learned counsel for the applicant that the allegations in the FIR are mainly against accused No.1 – Mukesh Suryavanshi who had met the complainant. The allegations against the applicant were never made by the complainant. The allegations against the applicant are that accused No.1 had sent screenshots of the saving bank account belonging to the applicant to the complainant. Learned counsel further submitted that accused No.1 was arrested and he has been released on bail, charge-sheet has been filed, hence, requested to allow the application.

5. It is the contention of learned APP that the applicant is part of the group. The applicant and co-accused have cheated the complainant. They have accepted the amount of Rs.29,80,000/- from the complainant. There is involvement of the applicant in the said crime. If the applicant is released on bail, he may abscond. Hence, requested to reject the application.

6. I have heard both learned counsel, perused the FIR and charge-sheet. In the FIR, the main allegations are against accused No.1- Mukesh Suryavanshi. The role attributed to the applicant is that accused No.1 had sent screenshot of the bank account of the applicant to the complainant. Except this allegation, there are no allegations against the applicant. There is no document to show that the applicant is the partner of Morya Suisse Trading Company. Considering these facts, the

applicant has made out case and I pass the following order :

O R D E R

1. The application is allowed.
2. In the event of arrest in Crime No.122 of 2020 registered with Santacruz Police Station, the applicant-Mayur Pradip Malpure be released on bail on executing P.R. Bond in the sum of Rs. 30,000/- with one or two sureties in the like amount.
3. Applicant shall attend the concerned police station as and when required by the Investigating Officer.
7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)