

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

ANTICIPATORY BAIL APPLICATION NO.1159 OF 2024

Mangesh Vitthal ZomadeApplicant
Versus
The State of Maharashtra Respondent

Mr. Kuldeep U. Nikam, Advocate for the Applicant.
Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 02nd MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.8/2024 registered with Alankar Police Station, Pune on 18.1.2024 under Sections 406, 420 read with 34 of IPC.

2. Heard Mr. Kuldeep Nikam, learned counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for the Respondent-State.

3. The FIR is lodged by one Sagar Asangi. The case of the FIR is that one Pravin Talole gave him a purchase order and also asked him to give the work for advertisement to the present

Applicant. The informant and the Applicant were to complete the purchase order given by Pravin. At the instance of Pravin, the informant had paid Rs.6 Lakhs to the Applicant to purchase material for completing that purchase order. The Applicant did not carry out any further work and therefore on that pretext Pravin cancelled that purchase order. The amount taken by the Applicant was lost. There are other allegations in the FIR that the other three persons, namely, Milind, Saurabh and Ganesh were similarly cheated for their amount. There is no reference to any amount paid by Ganesh but Milind had paid Rs.5,52,000/- and Saurabh had paid Rs.2 Lakhs but those amounts were not returned. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the main grievance is against Pravin who is granted anticipatory bail vide the order dated 10.4.2024 passed by this Court in A.B.A. No.960/2024. He submitted that whatever amount was received by the Applicant was transferred to Pravin and, therefore, the Applicant's role is much lesser. He relied on the bank statement

of the Applicant. A copy of the same is taken on record and marked 'X' for identification.

5. Learned APP opposed these submissions. According to her, the amount which has gone in the account of Pravin could be in respect of some different transaction and it necessarily need not be connected with the amount taken from the two victims Milind and Saurabh.

6. I have considered these submissions. In the order dated 10.4.2024 passed in A.B.A. No.960/2024 it was observed that it appeared to be a civil dispute and at the highest the victims could claim damages. There was also a reference to another C.R. No.12/2024 registered against the then investigating officer for asking for bribe from Pravin's brother. On those reasons, the accused Pravin was protected under Section 438 of Cr.P.C.

7. Today, learned counsel for the Applicant has produced the bank statement mentioning that the amount received from Milind and Saurabh were transferred to the main

accused Pravin proximate in time of receiving those amounts.

Thus, it appears that the Applicant's role is lesser.

8. The purchase orders were issued and also they were cancelled by Pravin. In this view of the matter, custodial interrogation of the Applicant will not serve any purpose. He will have to cooperate with the investigation.

9. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with C.R.No.8/2024 registered with Alankar Police Station, Pune, the Applicant be released on bail on his executing 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 attend the concerned police station on 14th, 15th and 16th May, 2024 between 1.00 p.m. to 5.00 p.m. and thereafter as and when called. He shall cooperate with the investigation.
- (iii) The Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
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2024.05.07
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