

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

ANTICIPATORY BAIL APPLICATION NO. 70 OF 2024

Amit Jayesh Parekh

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Jayendra D. Khairnar for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

Mr. Parag Kale for Respondent No.2.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 23 JANUARY 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.161 of 2022 registered at Vishram Baug Police Station, Pune, on 19.09.2022, under Section 420 r/w. 34 of the Indian Penal Code.

2. On the last occasion, I had issued notice to the Respondent No.2 who was the original first informant. At the first instance, the applicant was granted anticipatory bail by the Court of Sessions at Pune. It was subsequently cancelled for breach of the conditions; at the behest of the Respondent No.2.

3. Today, learned counsel for the Respondent No.2 appears and states that, he has instructions to appear for him. He waives service of notice. He is seeking adjournment. Therefore, today I am adjourning the matter. However, it is necessary to refer to the brief facts and certain directions are required to be given.

4. The F.I.R. is lodged by the Respondent No.2. He was having an Event Management Company. The applicant told him that, he would get some business for him and some profit can be shared with him. Initially, they successfully completed one project jointly. After that the applicant introduced the informant to one Devang Raja. He was having one company by the name Venture Wolf Company. The informant's company did some work for Devang Raja's company at the behest of the present applicant. It is the informant's case that the applicant had assured that the informant's payment would be cleared. After spending initial expenses the informant had deposited Rs.11,34,705/- in the bank account of the applicant's mother. Some amount was spent for T.D.S. and G.S.T. Thus, the informant has spent total amount of Rs.14,66,919/-. The total bills were to the tune of Rs.21,11,020/-.

Those bills were sent to Devang Raja, but the applicant used to process those bills. The said amount was not paid to the informant and he suffered the loss to the tune of that amount. The applicant gave him three cheques; two of Rs.7,00,000/- each and one of Rs.7,11,020/- respectively. But at his request, the cheques were not deposited. Ultimately, the informant did not get any money and this F.I.R. was lodged.

5. At the first instance, the applicant preferred Criminal Bail Application No.3305 of 2023 before the Additional Sessions Judge, Pune for anticipatory bail. It was allowed vide the order dated 09.06.2023 on the conditions that the applicant had to make himself available for interrogation as and when required, the applicant had to furnish a copy of his Aadhar card, working mobile phone number and his permanent address proof. The applicant had to attend the Vishram Baug police station on 3rd Saturday of every month till filing of the charge-sheet. It was specifically observed that failure to comply with these conditions would entail cancellation of bail automatically.

6. Now the case is that the applicant breached all those conditions and, therefore, the informant preferred Criminal Bail Application No.7056 of 2023 for cancellation of the bail granted to the applicant. The learned Additional Sessions Judge, Pune, vide the order dated 11.12.2023 allowed that application and cancelled the bail granted to the applicant. At this stage, it is made clear that the applicant has breached those conditions and, therefore, bail order was cancelled.

7. Learned counsel for the informant is seeking adjournment today, therefore, I am adjourning the matter today. However, to test bonafides of the applicant, I am inclined to impose similar conditions on the applicant to see whether he follows these conditions or not.

8. Hence, the following order.

ORDER

- i) Learned counsel for the applicant shall serve a copy of this application to the learned counsel for the informant.

- ii) In the event of arrest of the applicant in connection with C.R.No.161 of 2022 registered at Vishram Baug Police Station, Pune, till the next date, the Applicant be released on bail on his executing P. R. bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- iii) This order shall operate till 05/03/2024.
- iv) The Applicant shall attend the concerned Police Station from 05/02/2024 to 08/02/2024 between 1.00p.m. to 5.00p.m. and thereafter as and when called and shall cooperate with the investigation.
- v) The applicant shall furnish a copy of his Aadhar card, his working mobile phone number and his permanent address proof.
- vi) In addition, the applicant shall attend the concerned police station on every Saturday till the next date before this Court.
- vii) Stand over to 05/03/2024.

(SARANG V. KOTWAL, J.)