

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

ANTICIPATORY BAIL APPLICATION NO.70 OF 2024

Amit Jayesh Parekh

..Applicant

Versus

State of Maharashtra

.. Respondent

Mr. Mufees Ansari i/by Mr. Jayendra D. Khairnar, Advocate
for the Applicant.

Ms. Ranjana D. Humane, APP for the Respondent-State.

Mr. Paraga Kale a/w V. Kala a/w Vaishali Vanjara, Advocate
for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 4th JULY, 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. 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.

3. At the first instance, the applicant preferred Criminal Bail Application No.3305 of 2024 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.

4. The Applicant breached all those conditions imposed by him by the Sessions Court, and therefore, the informant preferred Criminal Bail Application No.7506 of 2023 for cancellation of the bail granted to the Applicant. The learned Additional Sessions Judge, Pune, vide the order dated 11th December 2023 allowed that application and cancelled the bail granted to the Applicant. After that, the

Applicant preferred the present Anticipatory Bail Application No.70 of 2024 before this Court.

5. On the previous occasion, to give one opportunity to the Applicant, he was protected by way of ad-interim order and was directed to attend the concerned Police Station from 5th February 2024 to 8th February 2024 and thereafter as and when called and to co-operate with the investigation. He was further directed to furnish a copy of his Aadhar Card, his working mobile phone number and his permanent address proof. In addition, the Applicant was directed to attend the concerned Police Station on every Saturday till the next date before this Court which was on 5th March 2024.

6. Today, the learned APP, on instructions of the Investigating Officer, makes a statement that the Applicant has breached all these conditions as well as he has not abided by any of the directions. He has neither attended the Police Station nor given his contact details.

7. The learned counsel appearing for the Applicant expressed his helplessness. He submitted that the Applicant has not contacted his own lawyer i.e. the learned counsel appearing before the court for him. In this view of the matter, it is quite clear the Applicant is evading the arrest, not co-operating with the investigation and is taking advantage of the bail granted by the Court. In such case, the Applicant cannot be protected any further under Section 438 of Cr.P.C.

8. The Anticipatory Bail Application is therefore rejected.

(SARANG V. KOTWAL, J.)