

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

CR. ANTICIPATORY BAIL APPLICATION NO. 325 OF 2024

Ajay Laxman Lingse	...Applicant
<i>Versus</i>	
The State Of Maharashtra	...Respondent

Mr. Nitin Gaware Patil a/w. Adv. Shantanu Kolhe for the Applicant.
Ms. Mahalakshmi Ganapathy, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J

DATED : 5th FEBRUARY, 2024

P.C.:

1. The Applicant is seeking anticipatory bail in connection with C. R. No. 581 of 2023 registered at Mahatma Phule Chowk Police Station, dated 15/10/2023 u/s. 420, 406 r/w. 34 of the Indian Penal Code.
2. Heard Mr. Patil, learned counsel for the Applicant and Ms. Ganapathy, learned APP for the Respondent-State.
3. The FIR is lodged by Vijaykumar Mishra. He has stated that his friend Shakti Singh told him that they would start a business of looking after the parking spaces and charging for the same. The informant and Shakti Singh met the present Applicant and one Santosh Garad. At that time, the Applicant and Santosh told the informant that if the informant deposited Rs.6,50,000/-, then he

could receive parking charges for a period of 39 months at Kalyan East. He represented that the Applicant could earn Rs.2,00,000/- per month in that parking space. The informant trusted him and had decided to invest. His case is that in all he had paid Rs.6,50,000/-, out of which Rs.2,00,000/- were paid by cheque. The money was paid by 05/04/2022. The period of that contract was between 01/04/2022 to 31/06/2025. After receiving the money, the Applicant and others started avoiding the informant. They did not give the contract to the informant. On continuous follow up of the matter, the Applicant returned Rs.2,00,000/- but the balance amount Rs.4,50,000/- was not returned. On this basis, the FIR is lodged.

4. Learned Counsel for the Applicant submitted that there is no proof that the cash amount of more than Rs.4,50,000/- was paid by the informant. He submitted that the agreement was specifically entered into by the informant with Santosh. The Applicant is not the signatory to that agreement. He further submitted that the Applicant himself had given public notice in the newspaper that he had no partner and that he had not appointed anybody in respect of vehicle parking space. He, therefore, submitted that Applicant had disassociated himself from the other

accused - Santosh. This notice was of December, 2022.

5. Learned APP submitted that apart from the first informant, there are three other victims viz. Mukesh Mali, Lalita Khare and Chandrakant Nandawade, who were similarly cheated. She submitted that this is the *modus operandi*. The investigation is still going on.

6. I have considered these submissions. As far as the public notice is concerned, it does not name any other person and in particular Santosh. It is a vague notice. The informant was refunded Rs.2,00,000/- by the Applicant himself. Therefore, there is some definite connection of the Applicant with the accused Santosh. However, the investigation is going on. At this stage, it would be sufficient, if the Applicant attends the police station and co-operates with the investigation. The other three victims had not come forward to lodge their FIR on their own. Considering this situation, at this stage, the Applicant can be protected by way of ad-interim relief.

7. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection C. R. No. 581 of 2023 registered at Mahatma Phule Chowk

Police Station, till the next date, the Applicant 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) This order shall operate till **19/03/2024**.
- (iii) The Applicant shall attend the concerned Police Station from 20th to 23rd February, 2024 between 1.00PM to 5.00PM and thereafter as and when called. He shall co-operate with the investigation.
- (iv) Stand over to 19/03/2024.

(SARANG V. KOTWAL, J.)