

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

ANTICIPATORY BAIL APPLICATION NO. 540 OF 2024

Manish Sanjay Chawan

..Applicant

Versus

The State of Maharashtra

..Respondents

Mr. Rohan Hogle a/w. Shubham S. Nabriya for Applicant.

Ms. Rajeshree V. Newton, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 27 FEBRUARY 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.284 of 2022 registered at Warje Police Station, Pune city, on 26.07.2022, under Sections 406 and 420 of the Indian Penal Code.

2. Heard Mr. Rohan Hogle, learned counsel for the applicant and Ms. Rajeshree Newton, learned APP for the State.

3. The F.I.R. is lodged by one Rupesh Sashte. He was introduced to the applicant by their common friends. It is the case in the F.I.R. that the applicant told him that, he was working with a

C.A. and he could get some commission for getting loan sanctioned through some agent like the present applicant. He suggested to the informant that, they could start this business in partnership. The informant was induced to invest in that business. Initially, the informant paid Rs.1,50,000/-. Within 2 to 3 weeks the applicant returned Rs.1,55,000/-. The informant started trusting him. After that, between 06.07.2019 to 23.10.2019 the informant paid Rs.15,36,000/- to the applicant. But thereafter the applicant stopped receiving his calls. He did not return the informant's amount. It was clear that the informant had lost his amount and, therefore, this F.I.R. was lodged.

4. Learned APP submitted that, since past about two years the applicant is absconding and his parents have filed a complaint about his missing which was investigated by N.M.Joshi police station; but it has not reached any satisfactory conclusion.

5. Learned counsel appearing for the applicant, without prejudice to his rights and contentions, makes a statement, on instructions, that the applicant has no intention to defraud the first

informant and he is willing to refund the amount taken by him. To show his bonafides, he is willing to deposit Rs.3 lakhs within three weeks from today. He further submitted that the applicant has no objection if that amount is withdrawn by the first informant. According to him, this will establish his bonafides. The remaining amount can be paid within a reasonable time. He submitted that the first informant can also be heard on this point.

6. Considering these submissions, to test his bonafides, today the applicant can be protected by way of ad-interim relief with permission to him to deposit the said amount.

7. Hence, the following order.

ORDER

- i) Leave to amend to add the first informant as a party respondent. Amendment shall be carried out forthwith.
- ii) Issue Notice to the added respondent, returnable on 15.04.2024.
- iii) In the event of his arrest in connection with C.R.No.284 of 2022 registered at Warje Police

Station, Pune city, till the next date, the Applicant is directed to 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.

- iv) This order shall operate till 15/04/2024.
- v) The Applicant is permitted to deposit amount of Rs.3,00,000/- (Rupees Three Lakhs only) in this Court within a period of three weeks from today.
- vi) Stand over to 15/04/2024.

(SARANG V. KOTWAL, J.)