

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

ANTICIPATORY BAIL APPLICATION NO. 888 OF 2024

Naresh Rama Ahire

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Advocate Paavani Chadha a/w Shrishti Singh , for the applicant.
Mr. Avinash A.Naik , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 18th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No. 46 of 2024 registered at Kharghar Police Station, New Mumbai, on 15/02/2024, under Sections 406, 420, 504, 506 of the Indian Penal Code.

2. Heard Paavani Chadha, learned counsel for the Applicant and Mr. Naik, learned APP for the Respondent-State.

3. The FIR is lodged by Deepak Patil. He has stated that he needed financial assistance through loan in connection with his

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business. The banks were not sanctioning the loan. He came to know through one Shivdas Shedge that the present Applicant was helping in getting the loan. Therefore, the Applicant went to the office of the present Applicant on 31/01/2023. The informant showed the applicant his documents in respect of his property. The Applicant demanded Rs. 1 lakh as valuation fees. The informant transferred Rs. 1 lakh in the account of one Shweta Undare, at the instance of the Applicant. Thereafter, the Applicant told him that he was in a position to get a loan of Rs. 2.25 crores. But he demanded Rs. 14 lakh as the processing fee. The allegations are that the informant made that payment but subsequently neither the loan was obtained for the informant nor the processing fee was returned by the Applicant, thus causing loss of that amount. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that without prejudice to the rights and contentions of the Applicant, he has filed an affidavit before the Court mentioning that he was willing to deposit the amount which is transferred in his account

i.e. the amount of Rs. 14 lakhs with the reasonable interest. It is stated that Rs. 1 was paid in the account of Shewta Undre. The affidavit is taken on record. Affidavit mentioned schedule of the payment from 18/04/2024 to 18/08/2024 where the Applicant has undertaken to pay Rs. 14 lakhs with interest of Rs. 1,93,000/- , thus making total payment of Rs. 15,93,000/-. It is mentioned in the affidavit that the applicant has no objection if the amount is withdrawn by the first informant subject to executing an appropriate affidavit. This affidavit was filed by the Applicant voluntarily without any pressure.

5. Learned APP submitted that the investigation has revealed that there are other persons whose statements are recorded but those are the investors. There is one more person Arvind Mahapadi, who claims to have suffered at the hands of the Applicant in the same manner. However, learned counsel for the Applicant submitted that there is a dispute about that particular transaction. In any case, said Arvind had not approached the Police to lodge his own complaint. Considering this situation, at this

stage, the ad-interim relief can be granted to test his bonafides. The affidavit filed by him is taken on record. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R No. 46 of 2024, registered at Kharghar Police Station, New Mumbai, 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.
- (ii) This order shall operate till 19/06/2024.
- (iii) The applicant is permitted to deposit the amount as per the schedule mentioned in the affidavit till the next date.
- (iv) The first installment can be made within a week from today.
- (v) Stand over to 19/06/2024.

(SARANG V. KOTWAL, J.)