

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

ANTICIPATORY BAIL APPLICATION NO.1107 OF 2024

Vaibhav Subhash Nalage	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. A. K. Chauhan, a/w. Mr. Rahul Chauhan & Ms. Vidya Rao, for
Applicant.

Smt. Madhavi H. Mhatre, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 30 APRIL 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No.573 of 2023 registered at Talegaon-Dabhade Police Station, Pune under sections 420, 406 read with section 34 of the Indian Penal Code.

2. Heard Mr. Chauhan, learned counsel for the applicant and Smt. Mhatre, learned APP for the State.

3. The F. I. R. is lodged by one Uttam Mande. It is stated that he is teaching in a high school at Nigde Tal. Maval. He had a friend named Mr. Atul Machale, who had brought the present

Applicant to the Informant's house and introduced them with each other. After some days the Applicant, who was a Police Naik told him that he was interested in getting work through tender with APMC, Gultekdi, Pune. The documentation was to be done by one Sujit Devkule. There was requirement of funds. The Applicant did not have that much amount. He requested for financial help from the informant. He promised ₹ 60,000/- per month to be paid to the informant if the informant invested with them. The Applicant told the informant that the requirement was of ₹ 12,25,000/- for the tender process and for documentation ₹ 75,000/- was to be paid to the Applicant. The F. I. R. mentions that the informant paid ₹ 75,000/- to the applicant and in all he paid ₹ 13,00,000/- as requested by the Applicant and others. Subsequently there was no news about that tender. The Applicant did not contact him. The informant's money was lost. He also came to know that similar to him one Santosh Chavan had lost ₹ 6,50,000/-. On this basis the F.I.R. is lodged.

4. Learned counsel for Applicant submitted that even before lodging of F.I.R., amount of ₹ 75,000/- was refunded by the

Applicant to the informant. Learned APP, on instructions with the investigating officer accepts this fact. Learned counsel for Applicant therefore submitted that the Applicant has not benefited from this entire transaction. He has shown his bonafide by returning the money which he himself had received.

5. Learned APP submitted that the total amount lost by the informant was ₹ 13,00,000/-. The promise and inducement were made by the Applicant. Therefore, he is not responsible for the loss of ₹ 75,000/- alone.

6. I have considered these submissions. Since the Applicant is working with the Police Department, he is not likely to abscond. He has refunded the amount which he himself had received. Therefore, as of today, the Applicant can be protected by way of an ad-interim order. The investigation can go on and the learned APP can make further submission on the basis of the result of the investigation. For that purpose Applicant will have to attend the concerned police station as and when called and will have to cooperate with the investigating agency.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C. R. No.573 of 2023, registered at Talegaon Dabhade Police Station, till the next date the Applicant shall be released on bail on his executing P. R. bond in the sum of ₹ 30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) This order shall operate till 27th June 2024.
- iii) The Applicant shall attend the concerned police station as and when called and shall cooperate with the investigating agency.
- iv) Stand over to 27th June 2024.

(SARANG V. KOTWAL, J.)

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