

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1531 OF 2024

Mahesh Satuji Tikkal ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Kuldeep U. Nikam a/w. Mr. Prasad Avhad for Applicant.
Ms. Rutuja Ambekar, APP for Respondent-State.
Saheba Pote, API, Vimantal Police Station, Pune City present.

CORAM : MANISH PITALE, J.
DATE : JUNE 14, 2024

P.C. :

. Heard Mr. Nikam, learned counsel appearing for the applicant and Ms. Ambekar, learned APP appearing for the respondent - State.

2. The applicant apprehends arrest in the context of FIR No.0178 of 2024 dated 16.04.2024 registered at Airport Police Station, District - Pune City for offences under Sections 406 and 420 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The applicant is one of the five accused persons and all of them are directors of a company. This Court is informed that the other four accused persons have been granted anticipatory bail by the Sessions Court.

4. The allegation of the informant, in the present case, is that being an employee of the company of which the applicant is a director, she invested Rs.3.5 lakhs with the company on the promise of return with profit of 10%. It is her case that the company is engaged in managing parking lots and in that context, the company had entered into an agreement with an entity in Pune. The accused persons informed that for developing a parking lot, certain amount would have to be invested and in that context, the informant was lured into parting with Rs.3.5 lakhs. It

appears that the amount was deposited in the account of the applicant as one of the directors of the company and it is for this and other reasons that his application for anticipatory bail was rejected by the Sessions Court.

5. The learned counsel for the applicant submits that in the present case, unfortunately, the contract for managing parking lot could not work out successfully and in that backdrop, the informant gathered an impression that she had been lured into parting with Rs.3.5 lakhs. It is submitted that there was no criminal intent on the part of the accused, including the applicant before this Court. In the application for anticipatory bail filed before the Sessions Court, a specific statement was made that the applicant was ready to refund the amount to the informant. It is specifically stated, on instructions, that even today, the applicant is ready to deposit the said amount before the Judicial Magistrate to show his *bona fide*.

6. The learned APP, on the other hand, submitted that the applicant had issued cheques for refund of the said amount and that they had been dishonoured, thereby demonstrating the criminal intent of the applicant. It is submitted that investigation is in progress and that therefore, this Court may not entertain the present application.

7. Considering the allegations made in the statement leading to registration of the FIR and the contention raised on behalf of the applicant that in the light of the contract for managing parking lot not working out, the informant had wrongly gathered an impression as if the applicant and other accused persons had lured her into parting with the said amount, coupled with the specific statement made on behalf of the applicant about depositing the amount before the Judicial Magistrate, this Court is inclined to grant interim protection to the applicant while keeping the application pending. The applicant undertakes to co-operate

with the investigation. In the facts of the present case, the informant be added as a respondent in the application.

8. In view of the above, the applicant shall add the informant as respondent No.2.

9. Issue notice to the newly added respondent No.2, returnable on 08.07.2024. Respondent No.2 shall be served through investigating officer and for that purpose, the applicant shall provide an additional set of papers to the investigating officer.

10. In the meanwhile, the following interim order is passed:

- A. In the event the applicant is arrested in connection with FIR No.0178 of 2024 dated 03.04.2024 registered at Airport Police Station, District - Pune, he shall be released on bail on furnishing PR Bond of Rs.50,000/- [Rupees Fifty Thousand only] and one surety in the like amount;
- B. The applicant shall appear before the investigating officer on 20.06.2024 and thereafter, as and when called by the investigating officer;
- C. The applicant shall not contact the informant in any manner during the pendency of this application;
- D. The applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

11. Needless to say, violation of any of the aforesaid conditions would result in this order being recalled.

12. List for further consideration on 08.07.2024.

(MANISH PITALE, J.)