

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1669 OF 2024**

Sanjay Arjun Wagh	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Vivekanand Vinod Krishnan a/w. Mr. Karan Deshmukh, Ms. Chaitali Bhogle and Mr. Rishab Tiwari, i/b. Aishwarya Kenge for applicant.

Mr. Kiran C. Shinde, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 26th JUNE, 2024**

P.C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0557 of 2024 dated 26.04.2024 registered at Police Station Hinjwadi, District Pimpri-Chinchwad for offences under Sections 409, 420, 465, 468, 471 and 120-B of the Indian Penal Code, 1860 (IPC).

3. There are five named accused persons in the FIR and the applicant is not specifically named in the same. The informant has alleged that he was duped to the extent of ₹ 2,05,000/- by the accused persons by giving him allurements of a job in the company in which the applicant is one of the directors. According to the informant, the named accused persons and others conspired to cheat him in the aforesaid manner.

4. The learned counsel for the applicant submits that in the first place, the applicant is not named in the FIR. He submitted that one of the directors of the company called Baxeess Private Limited has been named as an accused person i.e. Paresh Patil. According to the applicant, although he is one of the directors of the said company, in which Paresh Patil is a director, he has no idea as to the actions alleged against the said Paresh Patil and it is submitted that there is some confusion as to whether the company in which the informant alleges to have been employed, is the same company in which the applicant is one of the directors. It is submitted that in any case, no active role is attributed to the applicant and since he is ready to co-operate with the investigation, this Court may consider allowing the present application.

5. The learned APP, on the other hand, submits that the allegations are specific. It is specifically alleged by the informant that he paid huge amount of ₹ 2,05,000/- to accused No.1, who posed as a person concerned with Siddhivinayak Consultancy and the informant was promised with employment. In that process, the informant was told that he was given employment with Baxeess Private Limited and that the accused Paresh Patil, who is one of the directors alongwith the applicant, personally met the informant, gave him a laptop and also told him about the nature of work expected from the informant. It is further alleged that the salary of only one month was paid and thereafter, the offices of both Siddhivinayak Consultancy and Baxeess Private Limited were closed. Since specific allegations have been made as regards Baxeess Private Limited of which the applicant himself admits to be one of the directors, custody of the applicant is required for proper investigation.

6. In this connection, it is submitted that notice under Section 91 of Criminal Procedure Code, 1973 (Cr.P.C.) was issued to the applicant. But, he did not come forward with any document or clarification. This is disputed by the learned counsel for the applicant and he invited attention of this Court to an email dated 14.05.2024 sent by the applicant, wherein certain documents were attached.

7. This Court has considered the rival submissions. It is an admitted position that the applicant is not specifically named in the FIR. His name also does not find mention in the statement of the informant leading to registration of FIR. The said statement shows the active role of accused Nos.1, 3 and 4. This Court is informed that accused Nos.1, 3 and 5 have been arrested. There is indeed specific allegation that Paresh Paril i.e. accused No.3 did meet the informant and told him about the nature of work expected from him. Thereafter, there are allegations pertaining to the fact that the offices of both Siddhivinayak Consultancy and Baxeex Private Limited were found to be closed and that is when the informant realized that he was cheated. The substance of the allegation is that the accused conspired to lure the informant into parting with huge amount of money on the promise of providing employment and thereafter, they refused to take the calls of the informant, having paid him salary of only one month.

8. The allegation against Paresh Patil is in the context of the company Baxeex Private Limited. The applicant himself has placed on record documents to show that he is a director alongwith Paresh Patil and one other person in a company called Baxeex Private Limited. It is further stated that the said company is not actively doing any business and that the applicant is totally unaware about the actions allegedly undertaken by Paresh Patil in the context of the grievance raised by the informant.

9. The documents on record also show that when notice under Section 91 of Cr.P.C. was received, the applicant responded by sending email and attaching documents pertaining to Baxees Private Limited. This indicates that the applicant has not shown disinclination to respond to the said notice and in fact, the actions of the applicant indicate that he is ready to co-operate with the investigation.

10. The omnibus allegation that other persons similarly situated as the informant, have also been duped, is a matter of investigation. But, since the applicant is not being specifically named in the FIR and no active role of the applicant is alleged, this Court is inclined to consider the present application favourably, so long as the applicant is ready to co-operate with the investigation.

11. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested, he shall be released on bail in connection with FIR No.0557 of 2024 dated 26.04.2024 registered at Police Station Hinjwadi, District Pimpri-Chinchwad for offences under Sections 409, 420, 465, 468, 471 and 120-B of the IPC, on furnishing PR Bond of ₹ 50,000/- (Rupees Fifty Thousand only) and one or two sureties in the like amount to the satisfaction of the trial Court;
- (ii) The applicant shall remain present before the Investigating Officer on 29.06.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon him to remain present.
- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

(iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

12. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

13. Needless to say, the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

14. The application stands disposed of.

(MANISH PITALE, J)

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Signed by
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KAMBLI
Date: 2024.06.26
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Priya Kambli