

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

ANTICIPATORY BAIL APPLICATION NO. 1712 OF 2024

Krishnat Pandurang Kamble	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Paras Yadav for the Applicant.
Mr. Bapu V. Holambe-Patil APP for Respondent-State.
Mr. Y. C. Inamdar, PSI, Karveer Police Station, Kolhapur.

**CORAM: MANISH PITALE, J.
DATE : 1st JULY 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No. 0073 of 2024 dated 29th January 2024 registered against him for offences under Sections 417 and 420 of the Indian Penal Code, 1860 (IPC).

3. A perusal of the statement of the informant leading to registration of FIR, shows that according to him, when he was searching for information to start his own business, on YouTube channel, he discovered a link which ultimately led to the applicant. According to the informant, the applicant promised him the information and raw-materials for starting camphor making business. It is further alleged that from time to time, the informant transferred amounts to the applicant, totaling to Rs.2,39,640/-.

But, the applicant did not provide any information or raw-materials or equipment and therefore, by making such a false promise the applicant cheated the informant. The informant also gave names of four persons, who have been cheated in a similar manner by the applicant.

4. This Court finds that the informant has simply stated that he transferred amounts from time to time to the applicant and then the total amount is stated. Even in the application filed under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr.P.C.) before the Magistrate, the details of when such amounts were paid has not been stated. It is a little surprising that if amounts were being paid from time to time and there was no response from the applicant, as to why did the informant keep on paying such amounts.

5. Therefore, this Court finds that the applicant has made out a *prima facie* case in his favour. At this stage, the learned APP informs this Court that even before the Sessions Court, interim order was granted in favour of the applicant, but he did not attend the Police Station even once. The record shows that interim order was granted in favour of the applicant on 17th February 2024, with a specific direction that the applicant would attend the Police Station once in a week on Thursday. Yet, even the learned counsel for the applicant concedes that the applicant did not attend the Police Station. It is sought to be explained that since the direction

was not communicated to the applicant, he could not remain present before the Police Station. In such a situation, while keeping the present application pending, it would be appropriate to grant interim order to the applicant, with specific direction to join the investigation.

6. In view of the above, the following interim order is passed :

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0073 of 2024 dated 29th January 2024 registered at Karveer Police Station, Kolahpur, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one surety in the like amount to the satisfaction of the trial Court.
- (b) The applicant shall remain present before the Investigating Officer on 3rd and 4th July 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the Investigating Officer during the course of investigation.
- (c) 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.

7. List the application for further consideration on 18th July 2024.

MANISH PITALE, J.