

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

ANTICIPATORY BAIL APPLICATION NO. 1851 OF 2024

Amol Ramesh Nagarkar

...Applicant

Versus

The State of Maharashtra

...Respondent

- Ms. Anjali Anil Nimbkar, for Applicant.
- Mr. Bapu V. Holambe Patil, APP for Respondent.
- Mr. R.A. Yadav, API, Sinhagad Road, Police Station.

CORAM : MANISH PITALE, J.

DATE : 30th July, 2024.

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P. C. :

1. Heard, Ms. Anjali Nimbkar, learned counsel for the applicant and Mr. Bapu Holambe Patil, learned APP for the state.

2. The applicant is apprehending arrest in connection with First Information Report No.0563 of 2023 (FIR), dated 16th November, 2023, registered at Police Station Sinhagad Road, District Pune, for the offences under Sections 420, 465, 468 and 471 read with 34 of the Indian Penal Code (IPC).

3. The case of the informant is that the applicant and the co-accused person committed the aforesaid offences, for the reason that they took substantial amounts from the informant on the basis that one shop and two flats were being sold. It appears that although the possession of the same was

given to the informant, despite repeated persuasion by the informant, the applicant and the co-accused person did not execute the registered documents in connection with the said transactions.

4. The learned counsel for the applicant submits that even according to the statement of the informant, the nature of transaction was different, indicating that amounts were advanced by the informant by way of financial help to the applicant during the hour of his need. On this basis, it is submitted that the ingredients of the alleged offences are not made out.

5. On the other hand, learned APP submits that serious allegations are made against the applicant and the co-accused persons, not only pertaining to cheating, but also regarding forgery of occupancy certificate and other such documents.

6. This Court has perused the statement of the informant leading to registration of the FIR. The material on record indicates *prima facie* case against the applicant, as he is specifically named by the informant. It appears that despite notices issued under Section 41 A of the Cr.P.C., the applicant did not appear before the Investigating Officer.

7. Even if the contention raised on behalf of the applicant regarding amounts being advanced by the informant as financial aid to the applicant is to

be considered, there is nothing on record to show that the applicant returned the amounts advanced by the informant.

8. Since *prima facie* ingredients of the offences registered against the applicant are made out, anticipatory bail cannot be granted. The application is dismissed.

(MANISH PITALE, J.)