IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1885 OF 2024

1. Bajirao Sadashiv Ghorpade
2. Sunil Jotiba Ginde
3. Prasad Sugate ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Mohansingh Rajput a/w Nitesh P. Hinduja for the Applicants.
Mr. Tanveer Khan, APP for Respondent-State.
Mr. Manik R. Patil, Police Head Constable, Shirala Police Station.

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CORAM: MANISH PITALE, J.
DATE : 2nd AUGUST 2024

P.C. :

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

2. The applicants are apprehending arrest in connection with FIR No. 0094 of 2024 dated 27th April 2024 registered at Shirala Police Station, Dist. Sangli, for offence under Section 420 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The informant is concerned with a private Industrial Training Institute (ITI) at Dist. Sangli. According to the informant, the accused persons, who are concerned with a proprietary concern were engaged for executing certain works for the institute. The accused Bajirao Sadashiv Ghorpade, is the

proprietor of the said proprietary concern and upon the bid of the said proprietary concern being accepted, specific amount to the extent of Rs.25,90,000/- was paid to the said proprietary concern, for executing works, as per the contract awarded.

4. The Director General of Training, a Government body situated in Delhi, was to inspect the works and to grant approval, so that the institute could go ahead to take admission for ITI course.

5. According to the informant, the institute at its own expense changed the arrangement within the workshop, as per the directions given by the proprietary concern of the accused, but when the stage came for the proprietary concern to perform its part of the deal, no works were undertaken and in the backdrop of such a dispute, wherein loss was caused to the training institute of the informant, the accused persons issued cheques for refunding the amount paid to the proprietary concern. The cheques were dishonoured. Thereafter, another sets of cheques were issued and those were also dishonoured. At this stage, when the informant realized that the accused persons have cheated the informant.

6. The learned counsel for the applicants submitted that even according to the statement of the informant there appears to be a civil/commercial dispute between the parties and it is sought to be given a colour of criminality. It is submitted that at worst, ingredients of offence under Section 138 of the Negotiable

Instruments Act, 1881, may arise, but ingredients of the offence under Section 420 of the IPC certainly do not arise in the present case.

7. It is sought to be explained that certain norms specified by the Director General of Training had changed during the course of execution of works and this was the root cause of the dispute. It was further alleged that the cheques were issued under coercion, as the informant is allegedly a powerful person in District Sangli and that he had been sending musclemen to the office of the proprietary concern at Belgaum. On this basis, this Court may allow the present application.

8. On the other hand, the learned APP has vehemently opposed the present application. He submits that subsequently further offences concerning forgery have been added in the present case. The investigation has revealed that certain purchase orders and deliver challans were forged, indicating involvement of the accused persons in such actions. It is submitted that when a team of the investigating authority was sent to Belgaum, the office of the accused persons was found to be locked and the accused persons are absconding. It is further brought to the notice of this Court that accused No.1 has criminal antecedents and that he is an accused in atleast two other cases. In this regard, the applicants have clarified that one of the criminal cases has been quashed and in the other case, the applicant No.1 has been granted bail.

9. This Court has considered the material on record, including the investigating papers that were produced by the learned APP for the perusal of this Court. At first blush, the dispute as projected by the applicants appears of commercial nature, but in depth analysis of the material on record indicates that the contentions raised on behalf of the applicants cannot be accepted. *Prima facie,* it appears that although the informant did undertake expenses to rearrange the alignment and other things of the workshop of the training institute, the accused persons failed to take appropriate steps as per the agreement between the parties, for which the informant had paid a large sum of Rs.25,90,000/- to the proprietary concern of the accused persons. It is also stated that the applicant No.1 sent an email to the Director General of Training, postponing the inspection of the infrastructure of the institute, as a consequence of which admissions could not be taken by the training institute and it suffered losses. It is also found that cheques that were repeatedly issued by the accused for refunding the amount, were all dishonoured.

10. The investigation papers show that according to the statements of the witnesses, certain documents like purchase orders and delivery challans were allegedly forged, wherein even the rubber stamps appeared to have been fraudulently prepared. These are serious allegations. It is also specifically stated that when the team of the investigating authority reached the office of the proprietary concern of the accused persons at Belgaum, the office

was locked and the accused persons have been absconding. The applicant No.1 has criminal antecedents.

11. It is crucial while making submissions in support of the applicants, no material was placed on record to show as to what communications were addressed, if any, by the accused persons to the informant explaining as to why the proprietary concern of the accused persons could not perform its part of the deal. Therefore, *prima facie* it appears that from the very beginning the accused persons did not have the intention of performing their part, while inducing the informant to part with a huge amount of Rs.25,90,000/-.

12. No case is made out for granting anticipatory bail. The application is dismissed.

MANISH PITALE, J.

BIPIN DHARMENDER PRITHIANI
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