IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2042 OF 2024

Hrishikesh @ Rushikesh Balasaheb Shahane ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Harish R. Khardekar for the Applicant.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Mr. Dhanaji Tone, PSI, Wanavadi Police Station, Pune City.

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CORAM: MANISH PITALE, J.
DATE : 14th AUGUST 2024

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No. 0140 of 2023 dated 27th January 2023 registered at Wanavadi Police Station, Dist. Pune, for offences under Sections 403, 406 and 420 read with 34 of the Indian Penal Code, 1860 (IPC). There are four named accused persons in the FIR and this Court is informed that fifth accused person is added during the course of investigation.

3. The informant is a retired Police Constable running a tea stall and he claims that the accused persons, including the applicant, clandestinely transferred amounts from his account with

the State Bank of India, wherein his terminal benefits and pension were being credited. It was in September 2021, when the informant came to know that the said bank account had only about Rs.300/- balance. Upon inquiries being made by the person to whom the informant was supposed to give certain amounts, it came to light that it was the applicant, who had been misusing the phone of the informant to withdraw huge amounts from the account of the informant. It is further the case of the informant that the applicant allegedly promised that he would not indulge in such an activity any further and that he would return the amounts. Eventually, the informant approached the Police for registration of the FIR.

4. The learned counsel for the applicant submits that the FIR is belated. Even according to the informant, in September 2021 itself he became aware about such withdrawals. The FIR was eventually filed on 27th January 2023. It is further submitted that transfer of such amounts was well within the knowledge of the informant, as the applicant and other accused persons were assisting the informant in certain property matters, for which in some instances the informant required cash amounts. It was indicated that amounts transferred into the accounts of the accused persons were withdrawn and cash amounts were handed over to the informant. It is submitted that the applicant is ready to cooperate with the investigation and hence, this Court may allow the present application.

5. On the other hand, the learned APP placed the investigation papers before this Court and particularly placed reliance on the statement of the bank account of the informant for the relevant period, indicating that huge amounts were indeed transferred to the applicant and other accused persons from time to time, during the said period. Correspondingly, the bank account statements of some of the accused persons also indicate such entries. On this basis, it is submitted that since there is documentary material on record to link the applicant directly with the incident in question, the application may be dismissed.

6. This Court has perused the material on record. The aspect of delay in registration of the FIR may not inure to the benefit of the applicant at this stage, simply for the reason that despite, the informant having claimed that he became aware of the activity of the applicant in September 2021, he has also stated that the applicant had promised to return such illegally withdrawn amounts. It appears that according to the informant, after he was left with no alternative, he was eventually constrained to approach the Police.

7. The investigation papers, particularly the statement of account of the informant, *prima facie,* shows huge amounts transferred to the applicant and other accused persons, during the relevant period. The learned counsel for the applicant was candid enough to submit that such transfers are discernible from such documentary material, but it was asserted such transfers were

always within the knowledge of the informant and hence, he cannot raise a grievance regarding the same.

8. But, at this stage, the crucial aspect of the matter is that there is documentary material to indicate transfers of huge amounts from the account of the informant, where his terminal benefits and pension were credited, into the account of the applicant. The explanation sought to be given on behalf of the applicant, as noted herein above, is tenuous and *prima facie* unsustainable. In such a situation, when there is material to *prima facie* link the applicant with the allegations made by the informant, which are serious in nature, no case is made out for granting anticipatory bail.

9. The application is dismissed.

MANISH PITALE, J.