

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

ANTICIPATORY BAIL APPLICATION NO. 2255 OF 2024

Mahesh Jivanrao Kokane	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Amol B. Jagtap for the Applicant.
Ms. Rutuja A. Ambekar, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 30th 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. 0798 of 2023 dated 4th August 2023 registered at Indapur Police Station, Dist. Pune, for offences under Sections 420, 504 and 506 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The informant alleged that the accused persons associated with a company called Golden Bulls Academy, had induced him into investing substantial amount of money on the promise that double the amount would be returned in 20 months. It is alleged that in the process, the applicant parted with an amount of Rs.24,52,750/- and that he was cheated by the accused persons. In that light, the aforesaid FIR was registered.

4. The learned counsel for the applicant submits that the applicant has been roped in wrongly, simply for the reason that he was working as a Technical Support staff with the said company. It is submitted that there is only allegation of transferring an amount of Rs.29,500/- by *PhonePe* to the applicant, which the applicant is ready to pay to the informant. It is submitted that substantial amount is already recovered during the course of investigation and role of the applicant is clearly distinguishable from that of the main accused persons.

5. The learned APP submits that although the applicant may claim to be only a staff associated with the said company, there is an allegation even against the applicant along with the other accused persons of having induced the informant into investing amounts with the said company.

6. This Court is inclined to grant interim relief to the applicant, considering the document at Exhibit 'C', is an Identify Card showing the applicant as technical support staff of the said company. *Prima facie*, the allegation regarding inducement in the statement of the informant, appears to be an omnibus statement involving the applicant with others associated with the said company. The allegations pertaining to huge amounts being deposited pertain to co-accused persons and a specific allegation is only made about transferring Rs.29,500/- to the applicant through *PhonePe*. As noted herein above, the applicant is ready to pay the said amount to the informant. Attention of this Court is invited to

an affidavit dated 1st April 24, purportedly sworn by the informant before the Tehsildar, indicating that he had caused the FIR to be registered under a misconception.

7. In these circumstances, it would be appropriate that the informant is joined as party to the present application and notice is issued to him, while interim relief till the next date can be granted to the applicant.

8. In view of the above, leave is granted to add the informant as respondent No.2. The amendment be carried out forthwith.

9. Issue notice to respondent No.2, returnable on **1st October 2024, to be included in the supplementary list.**

10. The respondent No.2 shall be served through the Investigating Officer, for which purpose the applicant shall furnish an additional set of papers of this application to the Investigating Officer within one week from today.

11. In the meanwhile, there shall be interim order in the following terms :

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0798 of 2023 dated 4th August 2023 registered at Indapur Police Station, Dist. Pune, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount.

- (b) The applicant shall remain present before the Investigating Officer on 31st August 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 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.
12. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.
13. List this application for further consideration on 1st October 2024, to be included in the supplementary list.

MANISH PITALE, J.