IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2349 OF 2024

Pritam Shankarrao Tipayale ...Applicant

Versus

The State of Maharashtra ...Respondent

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- Ms. Taiyaba T. Kazi h/f Mr. Vinaykumar Khatu, for Applicant.
- Mr. Prasanna P. Malshe, APP for Respondent.
- Mr. Rahul S. Kate, for Complainant.
- Mr. Gajanan Ratan Cheke, API, Baramati City Police Station.

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CORAM : MANISH PITALE, J.

DATE : 18th SEPTEMBER, 2024.

P. C. :

1. At the outset, when the application is called out, Ms. Kazi, learned counsel sought adjournment on the ground that the advocate on record is not available.

2. It is pertinent to note that this being an anticipatory bail application, was adjourned on an earlier occasion also i.e. on 06.09.2024, when adjournment was sought on the ground of personal difficulty of the advocate on record.

3. Keeping applications for grant of anticipatory bail pending is not desirable. The learned counsel appearing today on behalf of the applicant has made an attempt to argue the application. She has pointed out the allegations leveled against the applicant and the possible defence on the part of the

applicant.

4. On the other hand, learned APP appearing for the State and the learned counsel having instructions to appear on behalf of the first informant have opposed the present application. This Court has considered the rival submissions.

5. The statement of the informant leading to registration of the FIR shows that the accused persons, including the applicant herein gave an impression to the informant that they were into the field of providing consultancy for admission to various courses. On that basis, the informant transferred substantial amounts in the accounts of the accused persons, including the applicant, under the impression that the amounts were being paid, not only for facilitating admission to the BAMS course in an Ayurvedic College, but the charges included the fees for the entire course. The documents on record include an agreement / Memorandum of Understanding (MoU) executed between the informant and the accused persons, including the applicant, which clearly indicate that the amounts transferred to the accused persons were to be utilized, *inter alia*, for payment of fees of the entire course of BAMS.

6. The allegation against applicant and the co-accused persons is that after such amounts were transferred, they did not abide by their promise

of payment of fees for the course, as a consequence of which the informant is now required to pay fees to the institution in which his daughter has been admitted for the BAMS course. In other words, huge amount of ₹ 16 Lakhs has been swindled by the accused persons.

7. This Court is of the opinion that there is sufficient material on record to indicate that promise held out to the informant was that the huge amount being charged by the accused persons was not only for securing admission in the BAMS, but also towards payment of fees for the said course. The aforesaid MoU records the fees to be charged for various academic years of the said course.

8. The investigation has revealed that amount of ₹ 10 Lakhs was indeed transferred to the bank account of the applicant. Infact, the statement of the applicant recorded on 15.03.2023 itself shows the she has conceded to having received amount of ₹ 10 Lakhs from the informant. There is no explanation as to why the annual fees for the course was not paid by the accused persons despite making such promises to the informant. A vague statement is made that ₹ 10 Lakhs were transferred to the concerned institution towards donation, for which admittedly there is no document on record.

9. The aforesaid material indicates a *prima facie* case against the

accused persons, including the applicant, as regards the ingredients of the offences registered against them. There is an element of allurement and on that basis parting of huge amount by the informant in favour of the accused persons, including amount of ₹ 10 Lakhs transferred into the account of the applicant. Since ingredients of the offences are *prima facie* made out against the applicant, no case is made out for granting anticipatory bail. The application is dismissed.

(MANISH PITALE, J.)