IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2506 OF 2024

Venkatesh Ramanna Apparao Malla @
V.R. Murthy @ Malla Venkata Ramana ...Applicant

Versus

The State of Maharashtra ...Respondent

***

- Mr. Atulesh Kumar a/w Mr. Ashutosh Tripathi, for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent – State.
- Mr. C.C. Patil, Head Constable, Karmala Police Station.

***

CORAM : MANISH PITALE, J.
DATE : 11th SEPTEMBER, 2024.

P. C. :

1. Heard, Mr. Kumar, learned counsel for the applicant and Mr. Sonavane, learned APP for the respondent – State.

2. The applicant is apprehending arrested in connection with First Information Report No.0396 of 2024, dated 20.06.2024, registered at Police Station Karmala, District Solapur, for offences under Sections 471, 468, 467 and 420 read with Section 34 of the Indian Penal Code (IPC).

3. The statement of the informant shows that the applicant and other co-accused persons induced the informant and others to invest substantial amounts on the promise of 50% amount being returned every month as profit. It is alleged that believing the promise made by the accused persons, including the applicant, amount of ₹ 1,50,000/- each was handed

over by the informant and others totaling ₹ 10,50,000/- and receipts were issued in the name of Srimma Farm Animal Bazaar Private Limited. It is submitted that thereafter, in April, 2024, when enquires were made with the Chief Operating Officer of the Sugar Factory where the informant and others had met the accused persons, the informant was told that the accused persons had duped others also and they had even taken huge amount of ₹ 25,00,000/- from the said Chief Operating Officer of the Sugar Factory on the promise of arranging export permits of sugar. It is alleged that therefore, the informant became aware about having been duped by the accused persons, leading to registration of the FIR.

4. The learned counsel for the applicant submits that in the present case only the presence of the applicant is stated on two occasions by the informant. The allegation regarding handing over of the cash amount is not against the applicant and that the documents placed on record, including Airline tickets etc., indicate that the applicant was not present at the place and time of the incident and that he was elsewhere. It is further submitted that the applicant suffers from various medical conditions and since he is ready to cooperate with the investigation, this Court may allow the application.

5. On the other hand, learned APP has opposed the application. He relies upon the statement of the informant, as also other material that has

come on record during the course of investigation. It is submitted that specific allegation of inducement is made against the applicant. Reference is made to the receipts issued by the accused persons in the context of receiving huge cash amounts. Reference is also made to an advertisement promising high returns for investment of amounts, wherein name of the applicant along with co-accused persons is seen. It is submitted that the plea of alibi cannot be considered at this stage. It is further informed that the applicant has criminal antecedents as FIR No.0158 of 2024, for identical allegations / offences has been registered in the very same police station against the applicant. Having obtained regular bail in the said case, on instructions, learned APP has stated that the applicant has stopped cooperating with the Investigating Authority. On this basis, the application is resisted.

6. This Court has considered the rival submissions in the light of the material available on record. The statement of the informant clearly indicates a specific allegation of inducement against the applicant and other accused persons. As regards the allegation of handing over cash amount is concerned, the presence of the applicant is specifically stated. Merely because the receipts were issued in the name of Srimma Farm Animal Bazaar Private Limited, are signed by co-accused person, would not in itself, inure to the benefit of the applicant, considering the nature of allegations made by the informant. The investigation papers have further revealed the name of the applicant on an

advertisement alongwith co-accused persons promising handsome returns for investment. The plea of alibi cannot be looked at by the Court at this stage itself. It is also a matter of record that the applicant has criminal antecedents, in as much as FIR No.0158 of 2024 for identical allegations and offences was already registered at the very same police station. The specific statement made by the learned APP on instructions that after being granted regular bail, the applicant has not been cooperating with the Investigating Authority, is taken note of.

11. In the light of such material, no case is made out for granting anticipatory bail. The application is dismissed.

(MANISH PITALE, J.)