

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

ANTICIPATORY BAIL APPLICATION NO. 2567 OF 2024

1. Satish Vasant Agale		
2. Savita Vasant Agale	...	Applicants
Versus		
The State of Maharashtra & Anr.	...	Respondents

Mr. Yuvaraj S. Gharal for the Applicants.
Mr. R. M. Pethe, APP for Respondent No.1-State.
Mr. Santosh P. Ghante, PSI, Chinchwad Police Station.

**CORAM: MANISH PITALE, J.
DATE : 24th SEPTEMBER 2024**

P.C. :

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

2. The applicants are apprehending arrest in connection with FIR No. 0234 of 2024 dated 3rd June 2024 registered at Chinchwad Police Station, Dist. Pimpri-Chinchwad, for offences under Sections 406, 420 and 506 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case has stated that a land belonging to his father-in-law was under the process of acquisition. A person, who was trainee under the informant, introduced the informant to the applicant No.1. An impression was given by the applicant No.1 that he had very good contacts in

the *Mantralaya* (Ministry) and that he could ensure that the said land is released from acquisition. On that count, it is alleged that substantial amounts were taken by the applicants on different dates, totalling Rs.25,00,000/-. Subsequently, it was learnt that no such file was moved in the Ministry and when the applicants did not respond positively upon being pursued, the informant was constrained to cause the registration of the FIR.

4. The learned counsel for the applicants submits that the aforesaid amounts were actually given as friendly loan or hand loan and an imaginary story is now created by the informant, only to foist criminal liability on the applicants. It is submitted that the statement of the informant, leading to registration of the FIR, is self-contradictory and therefore, this Court may consider granting relief.

5. On the other hand, the learned APP has opposed the present application. He submits that ingredients of the offences registered against the applicants are clearly made out. He further relies on statement of the said trainee, who had introduced the informant to the applicants, which was recorded during the course of investigation. Contents of said the statement support the assertions made by the informant and therefore, this Court may not show any indulgence.

6. In the present case, a bare perusal of the statement of the informant, leading to registration of the FIR, shows that the

ingredients of the offences alleged against the applicants are *prima facie* made out. There is a clear statement that he had given an impression to the informant that the applicant No.1 had sufficient contacts in the concerned Ministry to ensure that the land belonging to the father-in-law of the informant, is released from acquisition. This was the allurements and inducement, which prompted the informant to part with substantial amounts, totalling to Rs.25,00,000/-. Subsequently, he learnt that no efforts were made by the applicants to fulfill the promise. The said statement *prima facie* makes out ingredients of the offences alleged against the applicants.

7. It is significant to note that the aforesaid amounts were transferred in the account of the mother of the applicant No.1 i.e. applicant No.2 and there is a specific allegation that she also gave assurances to the informant about releasing of the said land from acquisition. Amount of Rs.21,25,000/- was transferred in the account of the applicant No.2 through RTGS and amount of Rs.1,35,800/- was transferred through *Googlepay* app to the applicant No.1 and it is also alleged that Rs.2,39,200/- was handed over to the applicants by way of cash.

8. Apart from this, a false statement has been made in the application, to the effect that the applicant No.1 has no criminal antecedents. It is brought to the notice of this Court that FIR No. 296 of 2019 was registered at Tilak Nagar Police Station, against the applicant No.1, *inter alia* for offence under Section 420 of the

IPC. In the light of false statement made on the affidavit before this Court, the present application deserves to be dismissed.

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

MANISH PITALE, J.