IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2595 OF 2024

Rajendra Bhimrao Nerlikar ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Rahul B. Khot a/w Digvijay Yadav for the Applicant.
Mr. Mayur S. Sonavane, APP for Respondent-State.

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CORAM: MANISH PITALE, J.
DATE : 25th SEPTEMBER 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. 0345 of 2024 dated 1st April 2024 registered at Shahupuri Police Station, Dist. Kolhapur, for offences under Sections 406 and 420 of the Indian Penal Code, 1860 (IPC).

3. The informant being a senior citizen, has alleged that the applicant claiming to be associated with a company called 'One Plus' induced the informant to deposit huge amount of Rs.12,00,000/- on the allurement of returning double the amount in 200 days. The informant had deposited the amounts on different dates, totalling Rs.12,00,000/-. It is stated that while some amounts were initially returned, thereafter the said company

of the applicant failed to return the amounts and hence, the said offences have been registered.

4. The learned counsel for the applicant submits that as per promise, certain amounts were indeed returned and therefore, it cannot be said to be a situation where the applicant, right from the inception, had dishonest intention to cheat the informant. It is submitted that this Court may consider granting relief in the present case.

5. The learned APP, on the other hand, has opposed the present application. Reliance is placed on the statement of the informant, which reveals the ingredients of the offences registered against the applicant.

6. This Court is not inclined to grant relief in the present application, for the reason that there is a statement made by the informant that he was allured and induced from the very beginning by the applicant to deposit amounts with the said 'One Plus' company, on the promise that the amounts would be doubled in 200 days. It is indeed stated that the said company returned about Rs.4,15,338/- to the informant. But, it is pointed out that total amount of Rs.12,00,000/- was deposited with the said company of the applicant and after returning the aforementioned amount initially, the applicant failed to keep the promise and thereby, cheated the informant. In such cases, it is often found that to earn the trust of innocent depositors, the accused persons do

give returns initially and after the innocent investors deposit further huge amounts, the accused persons disappear and refuse to give the promised returns.

7. This appears to be one such case and *prima facie*, ingredients of the offences alleged against the applicant are clearly made out. Hence, no relief can be granted in the application.

8. Accordingly, the application is dismissed.

MANISH PITALE, J.