IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2608 OF 2024

Vivek Vijay Pandit ... Applicant
vs.
The State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION (STAMP) NO. 19998 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 2608 OF 2024

Mr. Aadil Puria a/w. Mr. Yogesh Devnani and Mr. Vaibhav Gaikwad, i/b. V & M Legal for applicant.

Ms. Megha S. Bajoria, APP for respondent-State.

Mr. Sanjiv Kadam, i/b. Mr. Siddharth Karpe for applicant in IA(St.)/19998/24.

Ms. Madhura Korane, P.I., CID, Kolhapur.

CORAM : MANISH PITALE, J.
DATE : 26th SEPTEMBER, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant has approached this Court as he is apprehending arrest in connection with FIR No.0214 of 2024 dated 16.07.2024, registered at Wai Police Station, District Satara, for offences under Sections 120-B, 405, 409, 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case is an officer of Economic Offences Wing (EOW) and her statement leading to registration of FIR, has been given

on the basis of an initial grievance raised by one Hemant Balkrishna Salvi. The said person has claimed that the accused persons are responsible for duping him for a huge amount of ₹ 1 crore 5 lakhs on false promise of arranging liquor license (FL-II CL-III).

4. The learned counsel for the applicant submitted that the statement leading to registration of FIR, indicates the overt act of inducement and allurement only in respect of co-accused Hanumant Munde and Shrikant Kolhapure. The only allegation against the applicant is that specific amount of ₹ 17 lakhs was transferred into his account. It is the case of the applicant that the said amount was indeed received from the co-accused Hanumant Munde. But, that was in respect of a private transaction that the two persons had. It is submitted that an amount of ₹ 12 lakhs was distributed to two specific individuals and according to the applicant, an amount of ₹ 5 lakhs withdrawn from his account, was given back in cash to the said co-accused Hanumant Munde. It is submitted that even if the said amount of ₹ 5 lakhs is to be considered as having been utilized by the applicant, he is ready to deposit the same, if so directed by this Court. It is submitted that the basic ingredients of the offences registered in the present case, are not made out, at least in respect of the present applicant.

5. The learned APP, on the other hand, relied upon the very same statement, which led to registration of FIR, to claim that the applicant was very much part of the conspiracy of duping the victim. Reference is made to the statement of a witness recorded recently on 20.09.2024 and that of another witness recorded on 14.09.2024, to indicate that the applicant is part of a group of such persons, who have been duping innocent persons on false promise to arrange liquor licenses. It is further submitted that if time is

granted, the investigating officer can remain present with the entire investigation papers to explain the chain of events to link the applicant with the offences registered in the present case.

6. While time can be granted for producing the investigation papers and for presence of the investigating officer, this Court is inclined to grant interim relief to the applicant for the following reasons:

(a) The statement of the informant leading to registration of FIR, *prima facie* indicates that the act of inducing and alluring the victim was undertaken by the co-accused Hanumant Munde and Shrikant Kolhapure. Reference of the applicant in the said statement is related to a statement given during the course of enquiry by the said co-accused Hanumant Munde on 29.01.2024, stating that part of the amount received from the victim was transferred to the account of the applicant. *Prima facie*, the act of inducement/allurement on the part of the applicant, is not discernible from the statement of the informant.

(b) The allegations pertaining to forgery and corresponding serious offence under Section 467 of the IPC, on the face of it, are not relatable to the applicant.

(c) The bank account statement of the applicant is placed on record and it is stated candidly that an amount of ₹ 17 lakhs was indeed received from the co-accused Hanumant Munde. The statement shows that an amount of ₹ 10 lakhs was transferred to one Tulshi Ram, who is not even arrayed as an accused and that an amount of ₹ 2 lakhs was transferred to the co-accused Balu Puri. An amount of ₹ 5 lakhs appears to have been withdrawn in cash by the applicant. The learned counsel for the applicant has made a statement that the applicant is ready to deposit the said amount of ₹ 5 lakhs, if so directed by this Court, despite the fact that the applicant claims that the aforesaid cash amount was handed over to the co-accused Hanumant Munde. These factors *prima facie* inure to the benefit of the applicant.

(d) The applicant has undertaken to co-operate with the investigation and hence, interim relief can be granted in favour of the applicant.

7. In view of the above, there shall be interim relief in the following terms:

(a) Till the next date, in the event the applicant is arrested in connection with FIR No.0214 of 2024 dated 16.07.2024, registered at Wai Police Station, District Satara, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- and one or two sureties in the like amount to the satisfaction of the trial court.

(b) The applicant shall appear before the investigating officer on 30.09.2024 and 01.10.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when required by the investigating officer.

(c) The applicant shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. He shall co-operate with the investigation, including producing the documents in his possession, as may be demanded by the investigating officer.

8. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

9. List the application for further consideration on 22.10.2024, to be included in the supplementary list.

(MANISH PITALE, J)