IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2821 OF 2024

Pritam Dhanrajji Samdadiya ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Pratik Kalantri for the Applicant.
Mr. Kiran C. Shinde, APP for Respondent-State.
Mr. Jagdish Borse, API, Kalwan Police Station.

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CORAM: MANISH PITALE, J.
DATE : 21st OCTOBER 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. 0185 of 2024 dated 3rd September 2024 registered at Kalwan Police Station, Dist. Nashik, for offences under Section 406, 419 and 420 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case has raised a grievance that upon an impression given by the applicant, who was working with a finance company called Jeevansh Fincom Private Limited, she parted with amount of Rs.1,26,260/- for obtaining loan of Rs.35 lakhs from the said finance company. According to the informant, having transferred the said amount along with a further amount of

Rs.5,500/- in favour of the finance company, the loan was never disbursed and she also lost the aforesaid amounts deposited with the finance company.

4. The learned counsel for the applicant submits that the applicant is nothing but a mere employee of the said finance company. He was appointed in August 2023 and he told the informant about the policies of the finance company as an employee thereof. Even according to the informant, the amounts were transferred in the bank account of the finance company and the applicant was never a beneficiary. It is further brought to the notice of this Court that the applicant himself had applied for loan to the finance company and in that context, he had transferred an amount of Rs.50,000/- and he was also duped. In this context, it was submitted that this Court may consider granting relief to the applicant, as he undertakes to cooperate with the investigation.

5. On the other hand, the learned APP submits that the act of inducement was definitely undertaken by the applicant, due to which the informant parted with substantial amount of money. Reference was also made to two more statements recorded during the course of investigation, given by individuals, who suffered similarly at the hands of the applicant. It was submitted that notices have been issued to the Directors of the finance company, during the course of the investigation.

6. This Court is of the opinion that the statement of the

informant, as well as the statements of two other similarly situated persons, show that the amounts in question were all transferred into the bank account of the finance company. It is not even alleged that the amounts were transferred in the account of the applicant or that they were handed over to the applicant for being given to the finance company. In that sense, *prima facie* only the finance company appears to be the beneficiary of the said amounts. The documents on record show that the applicant was indeed appointed as Area Manager and hence, an employee of the finance company, on 1st August 2023. The documents on record also show that even the applicant had transferred about Rs.50,000/- to the finance company, in order to obtain loan and even he was not given the loan by the finance company. In such a situation, it is a little surprising that till date, the Investigating Authority has not thought it fit to arraign the persons concerned and responsible for the said finance company as accused persons, although this Court is informed that notices have been issued to them.

7. Be that as it may, the applicant has made out a *prima facie* case in his favour for granting him interim relief, as the documents on record show that he was working as an employee (Area Manager) of the finance company and the amounts were transferred in the bank account of the finance company. He is ready to cooperate with the investigation.

8. In view of the above, the following interim order is passed :

(a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0185 of 2024 dated 3rd September 2024 registered at Kalwan Police Station, Dist. Nashik, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 24th October 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

9. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

10. List this application for further consideration on 26th November 2024 (High on Board).

MANISH PITALE, J.