IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2946 OF 2024

Kaluram Pandit Mohite ...Applicant

Versus

The State of Maharashtra ...Respondent

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- Mr. Prasanna Kishor Shahane, for Applicant (Through V.C.)
- Ms. Megha S. Bajoria, APP for Respondent.
- Mr. P.N. Jadhav, PSI, Khed Police Station

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CORAM : MANISH PITALE, J.
DATE : 12th NOVEMBER, 2024.

P. C. :

1. Heard, Mr. Shahane, learned counsel for the applicant and Ms. Bajoria, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with First Information Report No.1088 of 2023, dated 16.12.2023, registered at Police Station Khed, District Pune Rural, for offences under Sections 406, 420, 467 and 468 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant has alleged that due to the inducement given by the applicant and co-accused persons, substantial amounts were invested by the informant and her husband, on the promise of handsome returns. The accused persons induced the husband of the informant to open a separate bank account while they retained the cheque book and other articles

pertaining to the said new bank account. It is alleged that certain amounts were siphoned off from the said bank account by the accused persons by indulging in forgery. On the basis of such allegations the aforementioned offences were registered.

4. The learned counsel for the applicant submits that the informant has suppressed the fact that there was a Memorandum of Understanding (MoU) executed between the applicant and the informant and her husband in respect of an immovable property. An amount of ₹ 15 Lakhs was paid to the informant and when she and her husband failed to abide by their obligations under the MoU, a civil suit was filed for specific performance of the MoU. It is submitted that in the backdrop of the civil dispute, the applicant has been falsely implicated in the present case.

5. On the other hand, the learned APP submits that the applicant is having criminal antecedents, as there are two FIRs registered in the aforesaid Police Station, including the present FIR and one FIR has been registered at Varanasi in Uttar Pradesh with regard to similar offences. It is submitted that after the applicant was granted anticipatory bail in respect of the other FIR bearing No.407 of 2023, registered at the said Police Station, he failed to appear before the concerned Court and eventually the Magistrate was constrained to issue Non-bailable warrant against the applicant. It is

emphasized that even the competent Court at Varanasi has issued Non-bailable warrant against the applicant as he has been consistently absconding.

6. This Court has considered the rival submissions. While keeping the present application pending, interim relief can be granted in favour of the applicant, for the following reasons :

(i) The informant *prima facie* has suppressed facts pertaining to the aforesaid MoU, which was executed on 15.07.2022, under which the applicant paid huge amount of ₹ 15 Lakhs to the informant and her husband by way of two cheques of ₹ 8 Lakhs and ₹ 7 Lakhs.

(ii) The applicant issued legal notice to the informant, as she failed to abide by her obligations under the said MoU and eventually the applicant was constrained to file a suit for specific performance before the competent Civil Court at Pune. The said civil suit is pending, thereby indicating the backdrop of civil dispute between the applicant and the informant. All these facts have been suppressed by the informant while approaching the police for registration of the FIR.

(iii) The allegation pertaining to amounts being siphoned off from the newly opened bank account of the husband of the informant, pertains to co-accused person, as the amount was allegedly transferred through RTGS in the bank account of co-accused person. In other words, *prima facie,* the applicant does not appear to have benefited from the alleged investments made by the informant and her husband.

(iv) The applicant has undertaken to appear before the Investigating Officer and to cooperate with the investigation.

7. In view of the above, there shall be following interim order is passed:

(A) Till the next date, in the event the applicant is arrested in connection with FIR No.1088 of 2023, dated 16.12.2023, registered at Police Station Khed, District Pune Rural, he shall be released on bail on furnishing PR Bonds of ₹50,000/-with one or two sureties in the like amount..

(B) The applicant shall remain present before the Investigating Officer on 14th November, 2024 and 15th November, 2024, between 10:00 a.m. and 12 noon and thereafter as and when required by the Investigating Officer.

(C) The applicant shall co-operate with the investigation.

(D) The applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

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

9. List for further consideration on **03rd December, 2024, "High on Board."**

(MANISH PITALE, J.)