

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3129 OF 2024**

Nadeem Ibrahim Khedekar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. S. M. M. Owais T. Jahagirdar, i/b. Mr. Zaheer Sange for applicant.

Mr. Bapu V. Holambe-Patil, APP for respondent-State.

Mr. Avinash Gajanan Patil, P.C., Roha Police Station, District Raigad.

**CORAM : MANISH PITALE, J.
DATE : 27th NOVEMBER, 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No.0189 of 2024 dated 17.10.2024, registered at Roha Police Station, District Raigad, for offences under Sections 406 and 420 of the Indian Penal Code, 1860.

3. The FIR was registered on the statement of the informant, who claimed that the applicant allured and induced him into payment of huge amount of money to the tune of ₹ 9,50,000/- on the promise that the applicant would arrange for Government jobs for the informant and his younger brother. It was submitted that after paying such huge amount, when the informant was pursuing the matter with the applicant, it came to light that no such Government jobs were being arranged. It is further stated that although the applicant did return an amount of ₹ 4,50,000/- from time to

time, further huge amount is due and that the informant and his brother have been duped by the applicant.

4. The learned counsel for the applicant submits that the informant has given the colour of criminality to a transaction between the parties, in the backdrop of ill-health of the applicant. It is claimed that the applicant and the informant know each other for a long period of time and that the applicant had taken loan from the informant from time to time for his medical treatment. The said amount was being returned and in this backdrop, when further amount was due, such a false case has been registered against the applicant at the behest of the informant.

5. The learned APP submits that investigation has revealed sufficient material to support the specific allegations made by the informant. It is further submitted that the applicant appears to have the propensity to indulge in such kind of activities, as it has been found that there were 4 other persons, who had raised similar grievance against the applicant. In such instances, the cases were closed, when the aggrieved persons were satisfied with the manner in which the applicant promised to return the amounts due. Reference was made to the investigation papers, in order to support the aforesaid contentions.

6. This Court has considered the rival submissions, in the light of the documents on record and upon perusal of the investigation papers. The aforesaid papers show that on a date specifically mentioned in the statement of the informant i.e. 08.05.2023, the applicant had taken the informant and his brother to Mantralaya on the promise that Government jobs had been ensured. It is found that the investigation papers reveal *prima facie* material

to indicate that the applicant did take the informant and his brother to Mantralaya on the said date. Apart from this, the WhatsApp chats exchanged between the parties at the relevant period of time, do make reference to appointment orders and payment in lieu thereof. This sufficiently indicates *prima facie* material against the applicant, with regard to the allegations made by the informant.

7. A perusal of the statement of the informant, which led to registration of FIR in the backdrop of such material, demonstrates that specific allegations have been made and it has even been fairly stated that part of the amount was returned. But the applicant had duped the informant and his brother in the process.

8. In this backdrop, contentions raised on behalf of the applicant, are found to be more in the nature of defence and a different theory raised on his behalf, with regard to the nature of transaction between the parties. The same cannot be accepted at this stage, while considering the application for anticipatory bail. The ingredients of the offences alleged against the applicant, are *prima facie* made out against him and therefore, this Court cannot show indulgence to the applicant.

9. The application is dismissed.

(MANISH PITALE, J)