

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3210 OF 2024

Sanjushing Puransingh Chundavat
@ Sanjay Singh @Sanju Banna ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 3211 OF 2024

Manish Ghevarchand Shah ...Applicant

Versus

The State of Maharashtra ...Respondent

- Ms. Ranjeet M. Pawar, for Applicants.
- Ms. Rutuja A. Ambekar, APP for Respondent in ABA/3210/2024.
- Ms. Megha S. Bajoria, APP for Respondent in ABA/3211/2024.
- Mr. K.A. Wagaj, PSI, Yawat Police Station.

CORAM : MANISH PITALE, J.

DATE : 03rd DECEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicants and the learned APPs for respondent – State.

2. These two applications are filed in the context of First Information Report No.0944 of 2024, registered at Yawat Police Station, District Pune, dated 24th September, 2024, for offences under Sections 420, 409, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (IPC). The applicants are apprehending arrest in connection with the said FIR.

3. In the said FIR, there are 12 persons arraigned as accused. The informant has raised a grievance that the accused persons duped him during business transactions when huge quantity of jaggery was supplied by the informant and when amounts due were to be paid, the accused persons paid only part of the amount and thereafter, failed to pay the balance amount. When the informant approached the accused persons, false impression of Government contracts with the accused persons, was given to the informant. As a consequence, under the impression that huge amounts would be received under the Government contract by the accused persons, the informant was induced into continuing supply of jaggery, eventually resulting in huge financial loss.

4. The learned counsel for the applicants submits that the applicant in Anticipatory Bail Application No.3210 of 2024, Sanjushing Puransingh Chundavat, is merely an employee of Arihant Agro Sales of which the applicant in the other application is the proprietor. It is submitted that omnibus and general allegations are made, which do not indicate any criminality on the part of the said applicant. As regards applicant in Anticipatory Bail Application No.3211 of 2021 i.e. the Manish Ghevarchand Shah, it is submitted that he is proprietor of the said Arihant Agro Sales and the allegations in the FIR pertain to a distinct entity named Om Sai Trading

Company, which is concerned with the brother of the said applicant, who is also co-accused person. It is submitted that in this backdrop, since the applicants are ready to cooperate with the investigation, this Court may allow the applications.

5. On the other hand, the learned APPs have relied upon the statement of the informant as well the statements recorded during the course of investigation, which according to them, indicate the involvement of the applicants in the offences in question. It is submitted that inducements and false impressions were given to the informant, which led to huge financial loss to him.

6. This Court has considered the rival submissions upon perusal of material on record.

7. A perusal of the statement, leading to registration of the FIR, shows that the principal grievance of the informant is that despite continued and huge supply of jaggery to Om Sai Trading Company, amounts due were not paid, only some amounts were paid and when the balance amount was demanded, reliance was placed by the accused persons on documents indicating Government contracts of the State Gujarat. This gave a false impression to the informant about large sums of money that would be received by the said Om Sai Trading Company, out of which the dues of the

informant would be paid. According to the informant, it later on came to light that all such claims made by the accused persons were false.

8. This Court is of the opinion that although the allegations against the accused persons are serious, they appear to be general and omnibus allegations made against all the accused persons. It appears that the thrust of the grievance of the informant is against the Om Sai Trading Company and Manoj Ghevarchand Shah i.e. the brother of the applicant Manish Ghevarchand Shah and in that backdrop, all family members and even employees of the said entities have been made accused persons.

9. The specific allegation against the Manish Ghevarchand Shah is that he introduced the informant to his brother Manoj Ghevarchand Shah and his concern i.e. Om Sai Trading Company. There is one further allegation against the said applicant about his presence when alleged false claims were made by the Manoj Ghevarchand Shah. It is stated by the informant himself that the applicant Manish Ghevarchand Shah has his own separate entity called Arihant Agro Sales, with which also the informant appears to have had business transactions. But, there is no grievance raised in the context of the said entity. In such a situation, this Court is inclined to hold in favour of the applicant Manish Ghevarchand Shah as he has undertaken to cooperate with the investigation.

10. As regards applicant Sanjushing Puransingh Chundavat, his role is not even mentioned in the statement of the informant and only general and omnibus allegations have been made. It appears that the said applicant is merely an employee of the Arihant Agro Sales, which is proprietorship of the applicant Manish Ghevarchand Shah. Hence, his prayer for anticipatory bail also deserves to be granted.

11. In view of the above, the applications are allowed in the following terms :

(A) In the event the applicant Sanjushing Puransingh Chundavat @ Sanjay Singh @Sanju Banna in Anticipatory Bail Application No.3210 of 2024 and applicant Manish Ghevarchand Shah in Anticipatory Bail Application No.3211 of 2024 are arrested in connection with FIR No.0944 of 2024, registered at Yawat Police Station, District Pune, dated 24th September, 2024, they shall be released on bail, on furnishing PR Bonds of ₹ 50,000/- each with one or two sureties each in the like amount, to the satisfaction of the Trial Court.

(B) The applicants shall remain present before the Investigating Officer on 05th December, 2024, between

10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.

- (C) The applicants shall cooperate with the investigation.
- (D) The applicants shall not tamper with the evidence in any manner. They shall not influence the informant, witnesses or any other persons concerned with the case.

12. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail.

13. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present applications and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

14. The applications are disposed of.

(MANISH PITALE, J.)