

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3312 OF 2024

Sanjay Ratanlal Agrawal ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. A. M. Saraogi for Applicant.
Mr. Kiran C. Shinde, APP for Respondent-State.
Mr. G. R. Chalke, API, Baramati Police Station.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 10, 2024

P.C. :

. Heard Mr. Saraogi, learned counsel for the applicant and Mr. Shinde, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0052 of 2023 dated 25.01.2023 registered with Baramati City Police Station, District - Pune Rural, for offence under Sections 420 read with 34 of the Indian Penal Code, 1860.

3. The informant, in his statement, has made specific allegations against the accused persons, including the applicant herein as to the manner in which they induced the informant to part with substantial amount of money, with a promise to supply certain scrubber machines, to be imported from China. It is the case of the informant that despite having paid huge amounts of money to the accused persons, including the applicant herein, the machines were never delivered and therefore, he was duped.

4. The learned counsel for the applicant has referred to certain

invoices and e-way bills placed on record to claim that the aspect of criminality could not be foisted upon the applicant for the simple reason that, such documents clearly indicated that subject machines were indeed provided to the co-accused person, who was in direct contact with the applicant. It is alleged that the allegation regarding contact between the informant and the applicant is an afterthought and therefore, this Court may consider allowing the application.

5. The learned APP, on the other hand, relies on the detailed statement of the informant, harping upon the specific allegations made against the applicant also. Much emphasis is placed on the fact that the amounts were directly credited into the account of the applicant from the account of the informant, thereby indicating the involvement of the applicant in the present case. It is submitted that the ingredients of the offence under Section 420 of the IPC are made out and therefore, this Court may not show any indulgence to the applicant. This Court is informed that the co-accused persons are absconding.

6. This Court has considered the rival submissions in the light of the material placed on record. A perusal of the statement of the informant clearly indicates that there are specific allegations made against the applicant as regards the manner in which he induced and allured the informant to invest monies in the project from which attractive returns could be earned. Reference was made to the manner in which the amounts were specifically transferred directly into the account of the applicant. There is also allegation against the applicant as to the manner in which he gave excuses why the promised machines, imported from China, were not actually supplied to the applicant. The statement elaborately describes the active involvement of the applicant along with the co-accused in duping the informant. *Prima facie*, the ingredients of the offence under Section 420 of the IPC are made out.

7. As regards the invoices and other documents on which reliance is placed by the applicant, such documents cannot absolve the applicant, for the reason that there is sufficient material to indicate that the amounts to the tune of Rs.17,00,000/- were directly transferred by the informant to the account of the applicant and this fact when appreciated in the backdrop that the promised machines were never supplied *prima facie* indicates the involvement of the applicant.

8. In view of the above, no case is made out for anticipatory bail. The application is dismissed.

(MANISH PITALE, J.)

Minal Parab