IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 30 OF 2024

JAGDISH S/O DIPCHAND KHATTAR AND OTHERS
Vrs.
THE STATE OF MAHARASHTRA

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

---

Shri Amol Kakade, Advocate h/f Shri V. R. Borkar, Advocate for applicants.
Shri A. M. Kadukar, APP for respondent-State.

CORAM: M. W. CHANDWANI, J.
DATE : 08/02/2024.

1. Apprehending the arrest in connection with Crime No.1345/2023 registered at Police Station, Ramnagar, Chandrapur for the offences punishable under Sections 420, 406, 506, 120-B r/w Section 34 of the Indian Penal Code, the applicants are seeking anticipatory bail.

2. The complainant - Ravindra Shivlal Jaiswal, Chartered Accountant by profession lodged a complaint with Police Station, Ramnagar alleging that the applicants along with main accused Amit Khattar, in furtherance of their common intention, duped him to the tune of Rs.9,00,00,000/- (Rs.Nine crores) on the pretext that they will get the Licence of two wine shops transferred in the name of complainant. (Complainant wanted to have two wine shops). Therefore, on his complaint, aforesaid

offence came to be registered against the applicants and main accused Amit Khattar apart from other Government Officials.

3. The applicants approached before the learned Additional Sessions Judge, Chandrapur for grant of anticipatory bail which came to be refused by the learned Additional Sessions Judge.

4. Heard learned counsel for the applicants as well as learned APP for the State and it is contended on behalf of the learned counsel for the applicants that the applicants have no role to play in the alleged crime. The entire alleged dealing was done by Amit Khattar i.e. son of the applicant No.1, even the statement produced by the prosecution shows that entire amount has been handed over to the main accused Amit Khattar.

5. The learned counsel for the applicants vehemently submits that due to activities of the main accused Amit Khattar, the applicants had already disowning the relations and notice came to be issued not to enter into any transaction with Amit Khattar. According to him, just to recover the amount of transaction, which is of civil nature, the complainant just to blackmail and harass them on false allegation. The applicant Nos.1 and 4 are old aged persons and suffering from ailments. He submits that though some of the amount has been

transferred from the account of main accused – Amit Khattar to the account of applicant No.1, but it is a purely business transaction. According to him since the cheques issued to the complainant were dishonoured, offence under Sections 420 and 406 of the Indian Penal Code cannot be made out. He submits that the applicants will co-operate in the investigation and also amount involved is not a public money. Therefore, it cannot be termed as economic offence and to buttress his submissions, he relied on the case of **Satender Kumar Antil Vrs. Central Bureau of Investigation and another**, reported in **2022 Live Law (SC) 577** wherein the Supreme Court has observed that the gravity of offence, period of sentence and attending circumstances are few factors to be taken note of.

6. Per contra, learned APP for the State objected the application on the ground that there are specific allegations in the complaint filed by the complainant. The most of the money has been transferred to the account of main accused Amit Khattar i.e. son of applicant No.1. He submits that this is a modus operandi of the applicants and main accused to lure the customers on the assurance of transferring the Liquor Licence by taking huge amount. According to him, the applicants and Amit Khattar have criminal antecedents since they have committed similar offence. He submits that there is material on record which goes to show that some of the amount was also parted

with appliant No.1. He submits that the investigation of the crime is going on. Therefore to make progress in the investigation, the custody of the applicants is necessary. According to him, record also shows that some of the amount has been transferred in the name of Firm owned by applicant No.1. He submits that though the anticipatory bail is to safeguard the individual right, but Court has to strike the balance to safeguard the individual interest and to protect the public interest. According to him, there is ample evidence available on record which shows the connection of the applicants with the crime.

7. Perusal of the FIR goes to show that the complainant gave Rs.9,00,00,000/- (Rs.Nine crores) for getting the two wine shops. Most of the amount is paid to co-accused Amit, the son of the applicant No.1 through bank transactions. The complainant has also made specific allegations against the applicant No.1 by mentioning that the complainant itself handed over the amount of Rs.1,50,00,000/-(Rs.One crore fifty lakhs) in cash to the applicant No.1 who initially, proposed for getting the Liquor Licence transferred in his name. Not only this, the applicant No.1 has issued cheques to the complainant towards return of the amount which were bounced. The material in the case diary reveals that some of the amount has been transferred from the co-accused Amit to the account of a Firm run by the applicant No.1. Had the applicant No.1 not connected with the alleged transaction,

would not have issued cheques in favour of the complainant. That apart, there are material on record which prima facie connects the applicant No.1 with alleged transaction. The similar type of offences are registered against the applicant No.1. The huge amount to the tune of Rs.9,00,00,000/- (Rs.Nine crores) is involved wherein Amit Khattar and other Government officials have been arrested in the crime. For further progress in the crime, the custodial interrogation of the applicant No.1 is necessary.

8. Considering the material against the applicant No.1, no case is made out for grant of extraordinary relief of anticipatory bail to the applicant No.1.

9. So far as other applicants are concerned, though the complainant has mentioned in the complaint that they were present at the time of transaction, but nowhere it is the case of the complainant that any amount has been handed over to the applicant Nos.2 to 4. No specific role has been attributed to the applicant Nos.2 to 4. Therfore, their custodial interrogation may not be required in the present crime. The applicant Nos.3 and 4 are women.

10. Considering the material against the applicant Nos.2 to 4 in the case diary, I think that the applicant Nos.2 to 4 can be protected by granting anticipatory bail

in their favour with certain conditions to co-operate in the investigation. Resultantly, I proceed to pass following order :-

ORDER

i] Application is partly allowed.

ii] Application of Applicant No.1 - **Jagdish s/o Dipchand Khattar** is hereby **rejected**.

iii] Application of Applicant Nos.2 to 4 is hereby **allowed.**

iv] In the event of arrest, Applicant Nos. **(2) Devendra s/o Jagdish Khattar, (3) Kashish w/o Amit Khattar and (4) Dipti w/o Jagdish Khattar** shall be released on bail on furnishing PR bond of Rs.25,000/- each with one solvent surety in the like amount.

v] Applicant Nos.2 to 4 shall attend the concerned Police Station on every Monday between 12.00 p.m. to 2.00 p.m. for a period of four weeks and co-operate in the investigation.

11. The application is disposed of.

[M. W. CHANDWANI, J.]

Choulwar