



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

33 ANTICIPATORY BAIL APPLICATION NO. 146 OF 2024

Devidas Daulat Mahale

VERSUS

The State Of Maharashtra And Another

...
Advocate for Applicant : Mr. Bagul Rahul Bhagawantrao and Mrs. Bagul Sangita R.

APP for Respondents-State: Mr. B. B. Bhise

...

CORAM : ARUN R. PEDNEKER, J.

Dated : January 27, 2025.

PER COURT :-

1. 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.0342/2023, dated 29/11/2023, registered at Pimpalner Police Station, District Dhule, for the offences punishable under sections 405, 406, 420, 468 read with 34 of the Indian Penal Code.
3. The case against the applicant is that he, along with four other accused, deceived the informant by misrepresenting facts and falsely promising good returns on the investments. The informant invested an amount of ₹5,00,100/- relying upon the statements of the accused. The investment, along with the repayment, matured on 06/03/2019.

However, neither the promised returns nor the principal investment amount was returned to the informant despite several demands. Consequently, an FIR has been registered against the applicant and four other accused.

4. The learned Counsel for the applicant submits that the money invested by the informant is not in the possession of the applicant but with Citrus Check Inns Limited. The applicant is neither a director nor a member of the company, nor is he an agent of the company. The applicant himself is a victim, like the informant. The learned Counsel for the applicant points out that the actual investment received from the informant has been produced on record and submits that Khushal Fakira Gangurde is the agent of Kasturabai Fakira Gangurde and not the present applicant.

5. This Court, by order dated 25/01/2024, granted interim protection to the applicant. There is no evidence against the applicant other than the statement of the informant alleging that the present applicant is associated with Citrus Check Inns Limited. Furthermore, considering that the applicant is a representative of the company authorized by the Pimpalner Office, it cannot be said that

the applicant benefited from any of the investments.

6. In view of the above, the interim protection granted to the applicant is confirmed in the following terms : -

i] In the event the applicant is arrested in connection with FIR No.0342/2023, dated 29/11/2023, registered at Pimpalner Police Station, District Dhule, for the offences punishable under sections 405, 406, 420, 468 read with 34 of the Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

7. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and

the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.