

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.187 OF 2025

Maruti Dhondiba Shelar

.. Applicant

Versus

State of Maharashtra

.. Respondent

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- Mr. Hrishikesh Giri a/w. Mr. Sachin L. Shete, Advocates for Applicant in Anticipatory Bail Application No.187 of 2025.
- Mr. Mayur S. Sonavane, APP for Respondent – State of Maharashtra.
- Mr. Feroz Shaikh a/w. Mr. Muzzamil Shaikh and Nanda Trimukhe, Advocates for Intervenor.
- Mr. M. V. Mahadik, PSI, APMC Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 23, 2025

P.C.:

1. Heard Mr. Giri, learned Advocate for Applicant; Mr. Sonavane, learned APP for Respondent – State of Maharashtra and Mr. Shaikh, learned Advocate for Intervenor.

2. This is an Application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Anticipatory Bail in connection with C.R. No.418 of 2024 registered with APMC Police Station for offences punishable under Sections 3(5), 316(2), 318(4) of Bharatiya Nyaya Sanhita, 2023 by Accused No.2. Accused No.1 is son. Both Accused Nos.1 and 2 are Directors of Private Limited Company called Spirit Automotive Private Limited and authorised dealer of

Yamaha Motor Cycle Company. Complainant before me is retailer and dealer of spare parts and running business in the name of M/s. Rolex Implex Company.

3. In the course of business, Complainant placed an order for purchase of 112 Scooters through email and on the said order having been accepted by Spirit Automotive Private Limited, transferred 80% as advance amount in the Bank Account of Spirit Automotive Private Limited. Precursor to this was an inducement made by Accused No.1 on phone call made to Complainant by specifically informing him that if they wanted to place the order for Yamaha Scooter they should do so immediately in view of year ending and if there was any delay in placing the order they may not get the desired delivery. This inducement is made out in complaint which has been filed.

4. Parties have acted upon and it is seen that Complainant has delivered only part of the order by delivering 56 scooters. When Complainant pursued the Applicant's Company the said Company gave Complainant two cheques of the balance amount of approximately Rs.25,00,000/- and Rs.45,00,000/-. Those two cheques were dishonoured.

5. One of reason which impels me to pass this order is that Applicant before me is not the lone person otherwise this would qualify as dispute between two private parties. There is substantial material

placed before me by Mr. Shaikh in the Intervention Application which clearly points out a finger towards Applicant's Company as having behaved in similar manner with several persons.

6. Be that as it may, the said material needs to be appropriately investigated for this Court to thereafter arrive at a decision. Primarily report filed by Investigating Officer says that in similar fashion Applicant's Company has also duped another person called Amit Ghule. The fact that whether he has lodged any complaint or not is not stated. Mr. Shaikh desires to give an explanation but he may do so before Investigating Officer.

7. In order to ascertain the facts as to whether the Applicant may have been involved in similar *modus operandi*, Applicant is directed to attend the Investigating Officer from 27.01.2025 onwards upto 12.02.2025. Applicant shall attend Investigating Officer on alternate days in the evening on all days during the aforesaid period between 05:00 p.m. to 08:00 p.m. which is as per his request. He shall co-operate with the Investigating Officer and provide with appropriate and necessary documents as called for. Investigating Officer shall make a comprehensive report in order to enable this Court to consider this Application.

8. Until the next date, prosecution will not arrest the Applicant.

9. Place the Application alongwith report on **17th February, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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