IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.710 OF 2025

Suryawanshi Ishwar Baburao ...Applicant
Vs
State Of Maharashtra ...Respondent

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Mr. Bhaskar Jha, Advocate for the applicant.

Ms. Rutuja Ambekar, APP for the State.

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CORAM : RAJESH S. PATIL, J.
DATED : MARCH 20, 2025

P.C.:

1. This anticipatory bail application is for pre-arrest bail in connection with C.R. No.122/2020 registered with Santacruz Police Station for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860.

2. The prosecution's case is that the informant and her husband intended to make certain investments. One of their relatives introduced them to Mr. Mukesh Suryawanshi, the son of the present applicant. Mr. Mukesh Suryawanshi made certain promises to the informant, pursuant to which theydeposited a sum of Rs.6,00,000/- with him.

3. The son of the present applicant then handed over eighteen gold coins to the informant. Thereafter, the informant deposited an additional sum of Rs.29,80,000/- with him. Mr. Mukesh Suryawanshi subsequently promised to deliver one kilogram of gold to the informant. However, the said gold was never provided, nor was the money returned. A cheque for Rs.29,80,000 was handed over to the informant, but upon presentation, it was dishonored. Consequently, an FIR was lodged.

4. Mr. Jha, the learned advocate for the applicant, submits that the main accused, Mr. Mukesh Suryawanshi, has been granted regular bail by the Sessions Court. Additionally, two other accused persons, Ms. Seema Khan and Mr. Mayur Malpure, have also been granted pre-arrest bail by the Sessions Court and this Hon'ble Court, respectively. As regards accused Mihir Desai, a closure report under Section 169 of the Cr.P.C. has been filed.

The learned advocate further submits that the present applicant is a senior citizen, aged 61 years, and has no role in the alleged crime, apart from being the father of the main accused, Mukesh Suryawanshi. He contends that the applicant is an illiterate person who merely signed certain documents at the request of his son. He also states that the applicant does not reside with his son and has had no communication with him. Furthermore, he submits that the applicant is willing to cooperate with the police and that his custodial interrogation is not necessary.

5. The learned APP submits that the present applicant is the father of the main accused, Mukesh Suryawanshi. The amount of Rs.29,80,000/- was transferred to the bank account of the applicant's son. Subsequently, a sum of Rs.9,00,000/- was transferred by the son to the applicant’s bank account, as reflected in the statement of the accused. It is further revealed that the son of the present applicant has also purchased an Audi Q5. The prosecution contends that the custody of the present applicant is necessary, as despite receiving a substantial amount of Rs.29,80,000, not a single rupee has been repaid to the informant.

6. I have heard the learned advocates for both sides and have examined the documents on record. The allegations in the FIR, along with the supporting documents, indicate that the son of the present applicant received Rs.29,80,000/- in his bank account. Subsequently, a sum of Rs.9,00,000/- was transferred to the bank account of the present applicant. The applicant's advocate has

been unable to provide a satisfactory explanation as to whether the applicant inquired with his son regarding this transaction. He submits that the son of the present applicant is involved in multiple financial transactions, and therefore, he did not question the money credited to his account.

7. The learned advocate for the applicant asserts that the applicant is unaware of his son’s whereabouts. However, it is difficult to accept this claim, considering that bank transactions generate notifications when funds are credited. Additionally, while the son of the applicant is using luxury vehicles such as an Audi Q5, he has not made any efforts to repay the amounts owed.

8. Considering the fact that a sum of Rs.9,00,000/- was deposited into the bank account of the present applicant, I am of the prima facie view that the applicant was aware of his son's financial transactions involved in the crime. There is no explanation where the said amount has been transferred by the applicant. The trial of money needs to be unearthed. Granting any kind of protection will hamper interrogation.

9. In such a circumstances, according to me, no case is made out to grant any kind of protection to the Applicant. Hence, the

Anticipatory Bail Application is rejected.

(RAJESH S. PATIL, J.)