

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.287 OF 2015**

Yusuf Abdul Kadar MehandikarApplicant.
Versus
State of Maharashtra & Anr. ...Respondents.

Mr. Shyamal Narayan i/by Mr. Ravindra M. Pande, advocates for the Applicant.
Mr. S.S.Pednekar, APP for the respondent-State.
IO Mr.V.H.Salokhe, PI attached to Akaluj police station present.

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : March 24, 2015.

P.C.:

This application for pre-arrest bail is preferred under Section 438 of the Cr.P.C. The applicant-accused is involved in cheating and facing charges punishable under Sections 419, 420 read with Section 34 of the IPC in C.R.No.226 of 2014 registered at Akaluj police station by one Kantilal Mishrilal Nahar, who has given information to the police that he has been cheated for Rs.58,30,000/- by the applicant-accused and co-accused. As per the case of the prosecution, earlier complainant knew accused no.1 to 3 and they represented him that if at all he invests money in the purchase of RP part then, one American Company by name

ITCO would pay more money to him. The complainant believing the said representation showed willingness to buy RP part and he went on paying money under the belief that it is good investment to earn more money i.e. profit of Rs.2 crores. The applicant-accused and the other accused represented that one scientist by name Abhijeet would judge the show and quality of this RP Part. After his approval, the complainant would start getting money. The complainant after paying huge amount realised that no such show was arranged and no such article by name RP part was shown to him and thereafter he approached police and gave information. This incident has taken place for a period of nearly nine months prior to the date of complaint in the year 2014. He lodged complaint on 15.11.2014.

2 Applicant-accused is accused no.4. Accused no.6, who represented as scientist and the other two accused nos.7 and 8, who represented as bodyguards of scientist, are absconding and wanted.

3 The learned counsel for the applicant has submitted that the applicant-accused is innocent and he has not committed any offence. There is no evidence that the complainant has paid Rs.58 lakhs to the applicant-accused. Whatever amount of Rs.2 lakhs was deposited with the applicant-accused was for the purpose of organising a show and

examining RP part. However, the said part was never shown to the complainant. It is further submitted that the applicant-accused is service provider and for the purpose of serving object, which was never shown to him. He submits that the applicant-accused is innocent and story of the complainant is imaginary , non-believable and false. He further submitted that no ingredients of cheating are seen in the complaint or there is no inducement. He submits that the applicant-accused is ready to co-operate with the police.

4 The learned prosecutor relied upon the statements of witnesses recorded by the police. He submitted that the applicant-accused is mastermind and the main culprit. He is the owner of alleged ITCO Universal Inc. Company and working as a managing director of it. The said company is run from the premises , which was taken on lease by the applicant-accused. The learned Prosecutor has submitted that the police have recorded statements of many witnesses disclosing a specific role played by the applicant-accused. He further submitted that the statements of some other witnesses , who were also duped in the similar manner, are also recorded by the police. It is submitted that the applicant-accused has cheated many persons with the help of co-accused. He further submitted that the police have also collected material from the persons, who were cheated. The police have collected bank details and

account details of the applicant-accused wherein huge amounts were deposited by the co-accused. Police wants his custody.

5 On perusal of the FIR and the statements of the witnesses, I am fully satisfied that the applicant-accused is running a bogus company and he is doing the business of cheating persons on false representation. It appears prima-facie that the applicant-accused is the main culprit and his custody is required for the purpose of interrogation as the other co-accused i.e. one Abhijeet, who has posed as scientist and his two body guards are to be arrested. It is a fit case to reject pre-arrest bail.

6 Application, accordingly, stands rejected.

(MRS.MRIDULA BHATKAR, J.)