

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.277 OF 2015

Shivam J. Tyagi	..	Applicant.
V/s.		
The State of Maharashtra	..	Respondent.

WITH
CRIMINAL MISC. APPLICATION NO.246 OF 2015
IN
ANTICIPATORY BAIL APPLICATION NO.277 OF 2015

Vijay M. Shetty	..	Intervener/ Orig. Complainant
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In the matter between

Shivam J. Tyagi	..	Applicant.
V/s.		
The State of Maharashtra	..	Respondent.

Mr. J. B. Mishra, for the Applicant.
Mrs. P. P. Shinde, APP for Respondent-State.
Mr. Rakesh D. Siroya, for the Intervener.

CORAM: REVATI MOHITE DERE,J
DATE : 1st APRIL, 2015.

P.C:-

Heard the learned Counsel for the Applicant and the learned
APP for the Respondent-State.

2 By this application, the Applicant seeks his enlargement on bail in connection with CR No.115 of 2014, registered with the Santacruz Police Station, Mumbai, for the alleged offences punishable under Sections 420, 456, 467, 468, 471 and 170 r/w. Section 34 of the IPC.

3 The Complainant – Vijaykumar Shetty, has alleged in his complaint dated 23rd December, 2013 that one Aman Chaudhary had represented to him, that he was dealing in the business of sale and purchase of imported vehicles from the German Consulate at New Delhi. He has stated that in the second week of January 2012, Aman Chaudhary had called him and his cousin to Delhi to see the cars. Accordingly, Aman Chaudhary is stated to have taken them to see the imported cars at the Consulate and introduced them to the present Applicant. Aman Chaudhary is stated to have told the complainant and his cousin that the Applicant was involved in the auction of the cars and that he was his partner. The Applicant is also alleged to have told the complainant that he was an officer of the German Consulate. Aman Chaudhary and the present Applicant are also stated to have shown documents pertaining to the cars which were to be auctioned, taken the complainant's signature on the same and assured him delivery of the cars in November. Accordingly, the complainant and his cousin are stated to have paid a sum of Rs.40 lakhs to Aman Chaudhary vide 3 cheques. Thereafter, the complainant has stated that Aman Chaudhary met him and kept assuring him about the delivery of cars. Aman Chaudhary later represented to the complainant, that the auction of cars has been cancelled and returned the money vide Pay Order, which was found to be forged.

4 According to the complainant, the Applicant had mis-

represented to him, that he was an Auction Officer of the German Consulate.

5 Perused the papers and heard the learned APP. Admittedly, Mr. Aman Chaudhary was arrested and was enlarged on regular bail. Apart from the allegation, that the present Applicant is alleged to have mis-represented the complainant, that he was an Auction Officer of the German Consulate, there is nothing on record to show that the Applicant has received any money from the complainant. The forged Pay Order is stated to have been given by Aman Chaudhary.

6 Considering the nature of allegations as against the Applicant, the custodial interrogation of the Applicant is not necessary. Hence, the Applicant is entitled to pre-arrest bail on the following terms and conditions:

ORDER

- (i) The Applicant in the event of his arrest, be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two local sureties in the like amount;
- (ii) The Applicant to co-operate in the conduct of the trial; and
- (iii) The Applicant shall furnish his address as well as his contact number, both to the concerned police station as well as to the Court seized of the case, and if, there is any change in the address or the contact number, the same shall also be immediately communicated to the PI, Santacruz Police Station as well as the Court seized of the case.

7 The application is allowed in the aforesaid terms and accordingly stands disposed of.

8 The learned trial Judge to conduct the case on its own merits, uninfluenced by the observations made in the present order, which are prima facie in nature.

9 In view of the disposal of the Anticipatory Bail Application No.277 of 2015, nothing survives for consideration in Criminal Misc. Application No.246 of 2015 and hence the same is also disposed of.

10 Parties to act on an authenticated copy of this order.

(REVATI MOHITE DERE,J.)