

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.500 OF 2015**

Narottam N. Biswas

... Applicant

Vs.

The State of Maharashtra & Ors.

... Respondents

Mr.Shyamrishi Pathak for the Applicant

Mr.Arfa Sait, APP, for Respondent – State

Mr.N.H. Choudhari, Investigating Officer / API, V.P. Road police station –  
present

Complainant present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 22, 2015**

**P.C.:**

1. The application is moved for pre-arrest bail. Earlier, the anticipatory bail application No.330 of 2014 was rejected by this Court on 20.3.2014. The amount involved in this offence of cheating is of Rs.1,35,00,000/-.

2. The learned Counsel for the applicant/accused has submitted that this second application is filed on the ground that earlier there was a transaction between the nephew of the victim and the applicant/accused in respect of a flat at Dahisar and he has sold the said flat to the nephew of the victim and this was not brought on record. He submitted that the victim has received the money and now the said document of transaction

is with the applicant/accused and, therefore, the second application for pre-arrest bail is filed.

3. Learned Prosecutor has opposed the application. He submitted that after rejection of the first Anticipatory Bail Application, the Investigating Officer has tried to contact the applicant/accused on four occasions. The Investigating Officer went to the West Bengal to arrest him, however, as soon as the Investigating Officer reached West Bengal, the applicant/accused had crossed the border and therefore, it was not possible for the Investigating Officer to arrest him.

4. Considering the circumstances and moreover, the said stand was not taken earlier in the earlier application, though the fact was within the knowledge of the applicant/accused, the application is rejected.

**(MRS.MRIDULA BHATKAR, J.)**