

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.559 OF 2015

Rajuddin Kadar Mulani ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.K.U. Nikam for the Applicant

Mr.Arfa Sait, APP, for Respondent – State

Mr.S.K. Gade, HC/1025, Vishrambaug police station – present

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

DATE: **APRIL 27, 2015**

P.C.:

1. This application is for pre-arrest bail as the applicants/accused are facing charges under sections 406, 420 r/w 34 of the Indian Penal Code in C.R. No.55 of 2015 registered at Vishrambaug police station by one Kishor Dashrath Jagnade. It is the case of the applicant/accused that he facilitated to raise a loan to the complainant and the said loan can be obtained through the power of attorney of one Prithvi Oil Mills, which is owned by the applicant/accused. One Ravi Kamar and Abdul Hassan Sayyed, who are accused Nos.1 and 2, promised the complainant that the loan will be processed if the complainant makes a payment of Rs.20 lacs as a processing fees. The complainant alongwith his friend raised the funds of Rs.20 lacs and deposited the money in the account of Abdul

Hassan Sayyed between november 2013 to February, 2015 and a promise was given by the accused that they would get a sanctioned loan of nearly Rs.5 crores for the complainant. The complainant on their representation went on paying the amount which was upto Rs.31,68,400/-. However, the complainant did not receive the loan amount and he realised that he was duped by the applicant/accused and his associates.

2. The learned Counsel for the applicant/accused submitted that the applicant/accused is innocent. No specific incriminating role is attributed to the applicant/accused. He is the owner of the Prithvi Oil Mills and he did not contact the complainant and he did not promise him to facilitate the loan. The learned Counsel submitted that the applicant/accused is not concerned with the other two accused. He therefore prays for bail.

3. The learned Prosecutor has opposed the application. He submitted that the applicant/accused is very much involved with the other accused and the police suspect that there is a racket working on this line and have deceived many other persons. Further, the other two accused are absconding. Their custodial interrogation is necessary.

4. On perusal of the complaint, it is found that the applicant/accused has represented that he is an owner of Prithvi Oil Mills and Ravi Kamar

and he were partners of Prithvi Oil mills. He also assured the complainant that the loan is under process. The role of the applicant/accused is prima facie active. It is not a case to grant pre-arrest bail as the custodial interrogation in such a matter is required. Accordingly, the Anticipatory Bail Application is rejected.

(MRS.MRIDULA BHATKAR, J.)