

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 856 OF 2015

Santosh Natavar Samla. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Kanishk Jayant, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JULY 8, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant is apprehending his arrest in Crime No. 235 of 2015 registered at Naupada Police Station for offence punishable under Section 420, 406 read with Section 34 of the Indian Penal Code.

3 The learned Counsel for the applicant submits that the applicant herein happens to be the project management consultant. The allegation against him is that the present applicant had introduced Ms. Gayatri Shriniwasan, Chartered Accountant to the complainant and had informed him that she would help him in obtaining a loan. According to the complainant, he has been cheated by the present applicant as he was induced to part with an amount of Rs. 40 lakhs.

4 Perused the papers of investigation. It is admitted that the amount given by the complainant has been deposited/transferred in the account of Ms. Gayatri Shriniwasan. The learned APP submits that the applicant was a beneficiary of the said transaction as he received shares in the said deal. As against this Counsel for the applicant submits that he is a consultant and the share would be in the nature of his professional fees in managing the said project.

5 In view of this, prima facie, it cannot be said that the applicant has benefited either by introducing the complainant to the Chartered Accountant or taking the job of a project consultant. In the circumstances, the applicant has made out a prima facie case for grant of pre-arrest bail.

6 The above observations are prima facie in nature. The same shall not be considered while deciding application for discharge or application for quashing of FIR or at the time of trial. The learned trial Court shall decide the matter uninfluenced by the observations made by this Court.

7 Hence, following order is passed.

ORDER

(i) The application is allowed.

(ii) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or two sureties in the like amount.

(iii) The applicant shall report to the concerned police station as and when called by the investigating officer and shall cooperate to the investigating agency to the best of his capacity.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)