

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1010 OF 2015

Mr. Ajit Kumar Ojha	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Aniket U. Nikam, Advocate, for the applicant.

Ms. S.S. Kaushik, APP for the State.

Mr. Shelkar API, CBD Police Station present.

CORAM: SMT.SADHANA S.JADHAV,J.

DATE : 7th August, 2015.

P.C.

Heard. This is an application under Section 438 of Cr.P.C.

The applicant herein is apprehending his arrest in Crime No.108 of 2015 registered at CBD Police Station for the offences punishable under Sections 420, 406, 323, 504, 506 of IPC.

2. it is the case of the prosecution that on 18.6.2015, the complainant Mohammed Salman Khair lodged a report at the police station alleging therein that he has studied upto 12th Standard. He was in need of job. He had come to Mumbai. He was introduced to the present applicant by Virendra Rai. That the applicant had assured him a job. It is alleged that

the complainant had given Rs.4,50,000/- to the present applicant for obtaining admission in Marine Academy. The complainant was given guarantee by the present applicant and was assured that he would get the job and he can stay in that place. It is alleged that on 6.5.2015, the applicant had snatched the Passport, a cellphone and two Pendrives from the complainant and had retained with him. On 12.5.2015, the complainant was called in the office and was assaulted. The principal allegation is that the complainant has been cheated for an amount of Rs.4,50,000/- and the passport and other documents are retained by the applicant.

3. Upon perusal of the papers of investigation and more particularly the Bank statements of the applicant, it is clear that the applicant has given sufficient funds to the complainant by way of hand loan. He was given the salary of Rs.4,500/-. That the applicant had also made arrangements for the complainant to fly to Calcutta for obtaining a job.

4. The learned counsel for the applicant submits that the applicant herein was demanding hand loan given by the applicant from the complainant. Since he had no intention to repay the same, he had initiated

present criminal prosecution against the applicant. It is clear that there are no criminal antecedents. Upon perusal of the papers of investigation, it prima facie, appears that the applicant had helped the complainant to take proper education. He had also given him shelter in his office. The C.C. footage of the office would show that on 1.6.2015, the complainant had accompanied the police officers and they ransacked the office of the applicant for searching the passport and other documents. No documents were found in the office. The applicant was not present in the office at that time.

5. On 1.6.2015 itself, the police had issued a notice under Section 41 of Cr.P.C. to the applicant and directed him to remain present on 2.6.2015. However, the applicant could not attend the police station. On 8.6.2015, the applicant had allegedly signed a statement before the police stating therein that he would return the documents and the amount of Rs.2 lakhs to the complainant by 10.6.2015. The first information is lodged on 13.6.2015. On 13.6.2015 itself, the applicant had sent an E-mail to the police station contending therein that on 8.6.2015 his signatures were obtained by the police under coercion. All these are disputed facts. The message sent by the applicant is under enquiry.

6. Taking into consideration the facts of the case and the submissions advanced across the Bar, this Court is the opinion that the applicant deserves pre-arrest bail.

ORDER

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

(ii) The applicant shall report to the concerned police station as and when called.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)