

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

A.B.APPLICATION NO.1069 OF 2015

Shivshankar Ramfer Vishwakarma ..Applicant

-Versus-

State of Maharashtra & Anr. ..Respondent

Mr. M.K.Kocharekar i/b. Prakash Vare for applicant
Ms. Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 5th December 2015.

P.C.

1] The applicant is apprehending arrest in M.E.C.R.No.16 of 2014 registered with MIDC police station, Andheri, Mumbai under section 420 read with 34 IPC.

2] It is the case of the complainant that the applicant by pretending to be the owner of Room No.10, Sukhwanti Devi Chawl, Krishna Nagar, Marol Naka, Andheri Kurla Road, Andheri East, Mumbai accepted an amount of Rs.10 lakhs for its sale. He also executed a receipt which is at page 143 for the same. The applicant along with the co-accused neither gave possession of the said room

nor returned the money back to the complainant, despite repeated requests and demands. In these circumstances, the complainant was constrained to lodge the aforesaid complaint.

3] Heard Mr.Kocharekar, learned counsel for the applicant and learned APP for State. Mr. Kocharekar contended that the alleged sale deed pertaining to the subject room is unregistered document. Therefore, the same cannot be relied upon. He further contended that the receipt is also undated and according to him is fabricated one.

4] A bare perusal of the said receipt demonstrates that the same was signed by the present applicant in presence of the witness. The complainant has also signed the said receipt. The record discloses that though the present applicant was not having absolute ownership over the said room, he represented the complainant that the said room belongs to him and induced the complainant to part with Rs.10 lakhs and thereby has committed present crime as contemplated under section 420 read with 34 IPC.

5] I have perused the entire documents produced by the learned APP pertaining to investigation. In my opinion, to unearth the truth behind the crime, custodial interrogation of the applicant is necessary. Hence, the applicant cannot be granted protection of pre-arrest bail. In view of the above, the application is rejected.

(A.S.GADKARI, J)