

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1411 OF 2015  
WITH  
ANTICIPATORY BAIL APPLICATION NO.1413 OF 2015  
WITH  
ANTICIPATORY BAIL APPLICATION NO.1414 OF 2015

Krishna Kumar Om Babu Gupta ..Applicant.

vs.

The State of Maharashtra ..Respondent.

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Mr. Devashish Mitra i/by Legal Assistance for the Applicant.

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

Mr. A.S. Sayyad and A.A. Mirza for Respondent No.2 in ABA No.1411/2015.

Mr. Sunil Kunal i/by M/s. Kunal & Associates for Respondent No.2.

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**CORAM : A.S.GADKARI, J.**

**DATE : 08<sup>th</sup> December, 2015**

P.C.

The applicant is apprehending arrest in MECR No.10/2015 arising out of C.C.No.535/SW/2014, MECR No.3/2015 arising out of C.C. No.538/SW/2014 and MECR No.7/2015 arising out of CC No.536/SW/2014 respectively. The complainants in the aforesaid three complaints have alleged that the applicant herein had taken a loan from them and despite assurances did not repay the same within the stipulated

period. When the complainants demanded the said amount, the applicant on one or other pretext initially dodged it and subsequently refused to pay that amount. The complainants therefore, constrained to approach the trial court by way of filing the aforesaid three complaints under various sections of the Indian Penal Code and prayed for investigation under Section 156(3) of the Cr.P.C. The learned Metropolitan Magistrate, 66th Court at Andheri after taking into consideration the facts of each case was pleased to pass an order dated 15.11.2014 thereby directing the Amboli Police Station to investigate the complaints under section 156(3) of the Cr.P. C.

2) The applications of the applicant for pre-arrest bail have been turned down by the learned Additional Sessions Judge, Greater Mumbai by its order dated 14.7.2015.

3) Heard the learned counsel for the applicant, learned counsel for the original complainant and the learned APP. for the State.

4) The learned counsel for the applicant submitted that there is no proof of the fact that the complainants ever paid any amount to the applicant. He further submitted that the

complaints as filed by the complainants are very vague and the pleadings in the said complaints are defective. He contended that the complainants have not stated about as to when the amount was paid, in what form and the quantum of amount in the said complaints. He further submitted that there was another complaint which was filed by the complainant bearing No.517/SW/2014 wherein the the applicant was arrested by the police and subsequently released on bail. He further submitted that the police ought to have interrogated the applicant in the complaints filed in the year 2014. The learned APP on the other hand submitted that since the date of the order dated 14.7.2015 passed by the Trial Court, the applicant is not traceable and therefore, no further investigation is carried out by the police in the present matter.

5) I have perused the application and the annexures thereto. I have also perused the case diary and the papers of the investigation. It is the specific case of the complainants that the applicant had accepted certain amount with assurance to repay the same within stipulated period however,he failed to pay the same despite repeated demand by the complainants. The record further discloses that the concerned Magistrate after taking into consideration the facts of the case directed the police to investigate the complaints under Section 156(3) of the

Cr.P.C. The allegations made against the applicant are serious in nature and therefore, unless and until the applicant is interrogated by the police in custody, the entire truth behind the crime will be not revealed. In view of the above, I am not inclined to grant pre-arrest bail to the applicant. The aforesaid applications are therefore, rejected.

**(A.S. GADKARI, J.)**