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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.302 OF 2016
WITH
CRIMINAL APPLICATION NO.207 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO.302 OF 2016

Sachin Mahesh Parekh …. Applicant
V/s.
The State of Maharashtra …. Respondent

and

Ishan Vedprakash Sharma … Intervener.

ALONGWITH
ANTICIPATORY BAIL APPLICATION NO.303 OF 2016
WITH
CRIMINAL APPLICATION NO.199 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO.303 OF 2016

Rajan Phoolvinder Juneja …. Applicant
V/s.
The State of Maharashtra …. Respondent

and

Ishan Vedprakash Sharma … Intervener.

ALONGWITH
ANTICIPATORY BAIL APPLICATION NO.422 OF 2016
WITH
CRIMINAL APPLICATION NO. 214 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO.422 OF 2016

Pradeep Raj Sethi .... Applicant
V/s.
The State of Maharashtra .... Respondent

and

Ishan Vedprakash Sharma … Intervener.

ALONGWITH
ANTICIPATORY BAIL APPLICATION NO.423 OF 2016
WITH
CRIMINAL APPLICATION NO. 213 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO.423 OF 2016

Amit Bharat Dembda .... Applicant
V/s.
The State of Maharashtra .... Respondent

and

Ishan Vedprakash Sharma … Intervener.

Mr. Ramesh Tripathi, for the applicant in Application Nos.302 of 2016 and 303 of 2016.
Mr. Praveen L. Singh, I/by Rajesh B. Bijlani, for the Applicant, in Application No.422 of 2016 and 423 of 2016.
Mr. Y. M. Nakhwa, APP for the respondent State in Application Nos 422 of 2016 and 423 of 2016.
Mr. Arfan Siat, APP for the Respondent State, in Appliction Nos.302 of 2016 and 303 of 2016.
Mr. R. N. More, Havildar, Kharghar Police Station, Navi Mumbai.

CORAM : A. M. BADAR, J.

DATE : 28th JULY, 2016.

<u>P.C.</u> :

1. Applicant Sachin Parekh in Anticipatory Bail Application No.302 of 2016, applicant Rajan Juneja in Anticipatory Bail Application No.303 of 2016, applicant Pradeep Sethi in Anticipatory Bail Application No.422 or 2016 and applicant Amit Dembda in Anticipatory Bail Application No.423 of 2016, accused in Crime No.M2/15 , for the offence punishable under Sections 371, 406, 467, 468, 469, 471 and 120B of the Indian penal Code, registered with Kharghar Police Station, Navi Mumbai, by these applications, they are claiming pre-arrest bail.

2. The crime in question came to be registered on the basis of order passed by the learned Judicial Magistrate First Class, Palghar, under Section 156(3) of the Code of Criminal Procedure. The complainant has filed application for intervention in these proceedings.

3. Heard the learned counsel for applicants. By drawing my attention to the affidavit filed by Nilesh More, Assistant Police Inspector and defendant No.2 B.C.C. Suit No.3018 of 205, the learned counsel argued that even this Investigating Officer of Economic Offence Wing, came to the conclusion that the complainant had earlier sold his Mercedes Car bearing Registration No.MH-04/FW/3006 (hereinafter to be referred as, “Car”), to one Sumit Bacchewar by executing sale agreement on

15.12.2104. Thereafter he sold that car to applicant Pradip Sethi in Application No.422 of 2016. According to learned counsel for applicants in fact complainant Ishan Sharma has cheated several persons by selling same car to them by successive transactions.

4. The learned APP opposed the application by arguing that even prior to registration of F.I.R., accused persons indulged in forgery. The learned APP further argued that as seen from statement of Akash Shinde, that the said car met with an accident and applicant Rajan Juneva has signed claim as owner of the said car by indulging in forgery.

5. The learned counsel for intervener is absent.

6. Perused the F.I.R. as well as papers of investigation made available, so also annexures to applications. The dispute is regarding selling car which was owned by complainant Ishan Sharma. He lodged Private Criminal Complaint with learned J.M.F.C. Panvel, with avernments that because of recession, he decided to sell the car through applicant Pradeep Sethi. Thereafter the complainant came to know that applicant Rajan Juneja and applicant Amit Dembda in collusion with applicant Pradeep Sethi, have filed civil suit in respect of car. According to the complainant, he came to know that applicant Dembda and applicant Pradeep Sethi have filed forged no objection certificate and delivery challans in the said civil suit and tried to show that they are the bonafide

purchasers of the said car. According to the complainant, he never sold the car to anybody. It is further alleged that applicant Amit Dembda thereafter illegally transferred the car to applicant Rajan Juneja, who obtained loan of Rs.24.85 lacs on that car from the HDFC Bank. The said amount was given applicant Amit Dembda as consideration. The complainant further averred that applicant Pradeep Sethi alongwith 3 to 4 persons came to him and obtained his signatures on blank papers, as well as cheques. Thereafter car was given for temporary period against loan to applicant Pradeep Sethi, who subsequently sold out illegally. After order under section 156(3) of the Code of Criminal procedure, this complaint came to be treated as F.I.R. in question.

7. In the suit filed by applicant Rajan Juneja, the Investigating Officer of Economic Offence Wing came to be arrayed as the defendant. Said Investigating Officer has filed his affidavit in the Civil Suit, wherein; Investigating Officer contended that complainant Ishan Ved Prakash Sharma sold car to applicant Praadeep Sethi when complainant was well aware that on receipt of Rs.20 lacs from one Sumit Bachewar, he had executed sale agreement of said car on 15.1.2014. The Investigating Officer as such contended that same car was sold by present complainant on earlier occasion to Sumit Bachewar.

8. On record page No.68 of Application No.302 of 2016, is the

copy of F.I.R. of crime No.400 of 2015, lodged by Sumit Bachewar. Sumit Bachewar has alleged that the present complainant had sold said car to him by accepting consideration of Rs.20/- lacs which was paid by RTGS transfer on 13.12.2014, in bank account of present complainant Ishant Sharma. Sumit Bachewar alleged that after receipt of consideration, car is not delivered to him. Therefore, offence punishable under Section 420, 406, 506 read with 34 of the Indian Penal Code came to be registered against present complainant at Washi Police station.

9. On record page No.26-27 of Application No.422 of 2016, filed by applicant Pradeep Sethi, are the copies of payment receipts. According to applicant Pradeep Sethi on 21.03.2015, he paid Rs.4 lacs by RTGS transfer and Rs.16 lacs by cash to complainant Ishan Sharma and purchased car. The delivery note shows that car was handed over to applicant Pradeep Sethi.

10. In Application No.423 of 2016, filed by applicant Amit Demba, has placed on record receipt as well as delivery note of the car showing that by payment of Rs.18 lacs by cash and Rs.4 lacs by RTGS transfer, apart from Rs.11 lac, paid by cash, he purchased said car from Pradeep Sethi.

11. Applicant Rajan Juneja, in Application No.303 of 2016, averred that he is owner of travel company which provides car to the

corporate clients and he purchased said car from applicant Amit Dembda on payment of Rs.15 lacs by cheque and by obtaining loan of Rs.24.85 lacs. Applicant Rajan Juneja has averred that he had obtained this loan from HDC bank.

12. Applicant Sachin Parekh is owner of Addis Marketing/ which is sole agent of HDFC bank for payment of loan. According to applicant Sachin, applicant Rajan Juneja approached him for loan to purchase car. After sanction of Rs.24.85 lacs as loan, the amount was disbursed to Amit Dembda.

13. Prima facie it appears that the entire offence is based on documentary evidence. The antecedents of the complainant are relevant. On earlier occasion, he has sold same car to Sumit Bachewar, who lodged report resulting in registration of Crime No.400 of 2015 against present complainant.

14. It is not averred that applicants are not co-operating in investigation of the crime. The possibility of their abscondence is not expressed. Considering the entire evidence against applicants, liberty of applicants needs to be protected. Their custodial interrogation is not warranted. Hence the following order.

Order

I) All applications for Anticipatory Bail are allowed.

II) In the event of arrest of applicants, in above crime, they be released on bail on their executing P.R. Bonds in the sum of Rs.15,000/- by each of them and on their furnishing sureties in the like amount, by each of them.

III) Applicants shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

IV) Applicant shall attend the concerned police station on 14.8.2016 and 21.08.2016 in between 11.00 a.m. to 1.00 p.m., and shall co-operate the Investigating officer.

V) Applicant shall not tamper with the prosecution evidence in any manner.

15. In view of disposal of main applications for Anticipatory Bail, intervening applications filed by intervener are disposed of accordingly.

[A. M. BADAR, J.]