

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.466 OF 2016

Raju Pundalik Deshpande ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. Amol Deshpande, for the Applicant.

Mrs. P.P. Shinde, APP for Respondent – State.

Mr. S.M. Mhatre (PSI), Versova police station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **15th MARCH, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 420 and 407 of the Indian Penal Code in C.R. No. 44 of 2016 registered with Versova police station, Mumbai. The first information report is given at the instance of one Yogeshkumar Bali.

2. It is the case of the prosecution that the complainant wanted to buy an old BMW X6 car. The applicant/accused who knew him offered that he knows one person who wanted to sale one BMW

of 2013 model. He showed the car and the complainant agreed to buy it for 41 lacs. It was agreed that the complainant shall pay Rs. 30 lacs by cheque and Rs. 11 lacs by cash. As per the case of the complainant, he had paid Rs. 30 lacs by cheque and Rs. 11 lacs by cash, however the applicant did not given the custody of the car. However, when he asked about the papers of the car, he brought the car and gave it to him. The complainant used it for two months. Thereafter, the applicant/accused took away the car on the point that he would repair the said car and handed it over. But when the applicant/accused did not return the car, on inquiry the complainant found that the applicant has purchased the said car from one agent Mitesh Parmar and its owner was one Sada Kadam and the said car is hypothicated with ICICI bank for Rs. 30 lacs. The complainant though tried to contact the applicant/accused but in vain. Thereafter, the complainant found that the applicant/accused has taken away his car by giving false information deliberately and cheated him. Therefore the complainant lodged the complaint against the applicant.

3. The learned counsel for the applicant/accused submitted that the applicant is innocent. He is a builder by profession. The

complainant has booked a flat in his scheme and towards the said booking of the flat, the complainant has paid Rs. 30 lacs to him. Therefore the applicant/accused be granted pre arrest bail.

4. The learned prosecutor produced the file of the investigation and submitted that there are 3 more cases against the present applicant/accused out of which 2 cases were of cheating and the custody of the applicant is required for further investigation and this is not a case to protect the accused.

5. It appears that the story of booking of the flat is imaginary and it cannot be believed at this stage. *Prima facie* the role of the applicant/accused is found in the offence, therefore custody of the applicant/accused is necessary for further investigation. I am not inclined to grant pre arrest bail to the applicant. Hence, anticipatory bail application stands rejected.

(MRS.MRIDULA BHATKAR, J.)